

HOUSE JOURNAL
OF THE
Fifty-First Legislature
OF THE
STATE OF WASHINGTON
AT
Olympia, the State Capitol

VOLUME I

1989 Regular Session

Convened January 9, 1989

Adjourned Sine Die April 23, 1989



Joseph E. King, *Speaker*
John L. O'Brien, *Speaker Pro Tempore*
Alan Thompson, *Chief Clerk*
Dennis Karras, *Deputy Chief Clerk*
Patsy Ellis, *Minute/Journal Clerk*

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Alan Thompson, *Chief Clerk*
Patsy Ellis, *Minute/Journal Clerk*

FIRST DAY

NOON SESSION

House Chamber, Olympia, Monday, January 9, 1989

The House of Representatives of the 1989 Regular Session of the Fifty-First Legislature was called to order at 12:00 noon by the Chief Clerk of the Fiftieth Legislature, Alan Thompson.

The Chief Clerk requested the Sergeant at Arms to escort the Members-elect to seats on the floor of the House, as selections from Washington Songs and Lore were performed by the Seattle Girls' Choir.

The flag was escorted to the rostrum by the Color Guard from the 9th Regiment U.S. Infantry.

Prayer was offered by The Reverend Richard Hart of Olympia:

Eternal Father, this is a day filled with celebration and excitement. So it is most appropriate that our first words be an expression of thanksgiving to You for bringing into each of us the unique and unmatched gift of life. For whatever else might be said today and for whatever else might be done in these moments, it is important that we begin with You, because You are a God of beginnings, newness and hope. You are a God of love, justice and mercy. You are a God Who knows us by name and declares that our individual value and worth is priceless and beyond our election victories. We are special because we are created in Your image.

And yet, Our Heavenly Father, as we spend moments celebrating the freedom and the growth of our first hundred years as a state, our prayer is that You will call us once more to be a people of beginning, as we lay hold to the opportunities and the challenges of the next hundred years. Even in the midst of our joy, may we not only hear but also understand and accept Your gentle, but persistent, invitation to be servants of You and the people of the state.

Thank You for those who have encouraged us by seeing more in us than we have seen in ourselves. Thank You for those who have gently nudged us when we needed to take another step. Thank You for those who have helped call forth the gift and talents of leadership with which we have been blessed.

And then, Oh Lord, may the joy in these moments of beginnings be our constant companion through the task that is before us. Heavenly Father, I hold up to You these, our representatives and leaders, and pray that, as the activities quicken, the workload increases, and the burden of responsibility becomes a bit heavier, each of them might experience a renewed freedom to be faithful and honest in their deepest convictions. My prayer is that You will give to each of them a sense of the appropriate which will not only keep them focused on the present concerns and opportunities, but will also save them from giving less than their best. And then as the night closes around them and the days of the session come to an end, may they rest from their work with that special peace of knowing that they have labored together with the God of Creation and new beginnings. In the name of Him, who gave Himself for us, we pray. Amen.

CHIEF CLERK'S PRIVILEGE

The Chief Clerk introduced to the Members-elect the 1988 Olympia LakeFair Queen, Miss Ericka D. Jackson, who extended a welcome to the Fifty-First Washington State Legislature.

CHIEF CLERK'S PRIVILEGE

The Chief Clerk presented Mr. Bill Scott of Solstice Performing Arts, Tacoma, portraying Governor Elisha P. Ferry, who was inaugurated as the state's first

Governor on November 11, 1889. Governor Ferry addressed the Members-elect and introduced "Harrison Big Foot," a symbol of the Washington State Centennial.

The Chief Clerk appointed Representatives Appelwick and Schmidt to escort The Honorable Vernon Pearson, Justice of the Supreme Court of the State of Washington to the rostrum.

MESSAGE FROM THE SECRETARY OF STATE

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

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that the following is a full, true and correct list of the persons elected to the office of State Representative at the State General Election held in the state of Washington the eighth day of November, 1888, as shown by the official returns of said election now on file in the office of the Secretary of State:

DISTRICT	NAME	COUNTIES REPRESENTED
No. 1	Nancy S. Rust	
No. 1	Grace Cole	King, part, and Snohomish, part
No. 2	Marilyn Rasmussen	
No. 2	Randy Dorn	Pierce, part, and Thurston, part
No. 3	Bill Day	
No. 3	Dennis A. Dellwo	Spokane, part
No. 4	Charles R. Wolfe	
No. 4	Mike Padden	Spokane, part
No. 5	Jean Silver	
No. 5	Shirley Rector	Spokane, part
No. 6	Duane Sommers	
No. 6	John A. Moyer	Spokane, part
No. 7	Steve Fuhrman	
No. 7	Tom Bristow	Ferry, Lincoln, Okanogan, part, Pend Oreille, Spokane, part, and Stevens
No. 8	Jim Jesernig	
No. 8	Shirley Hankins	Benton, part
No. 9	Darwin R. Nealey	
No. 9	Eugene A. Prince	Adams, part, Asotin, Columbia, Franklin, part, Garfield, and Whitman
No. 10	Simeon "Sim" Wilson	
No. 10	Mary M. Haugen	Island, Skagit, part, and Snohomish, part
No. 11	June Leonard	
No. 11	Margarita Prentice	King, part
No. 12	Clyde Ballard	
No. 12	Alex W. McLean	Chelan, Douglas, Grant, part, Kittitas, part, and Okanogan, part
No. 13	Glyn Chandler	
No. 13	Curtis P. Smith	Adams, part, Grant, part, Kittitas, part, and Yakima, part
No. 14	Shirley Doty	
No. 14	Jay R. Inslee	Yakima, part
No. 15	Margaret Rayburn	
No. 15	Forrest Baugher	Benton, part, and Yakima, part
No. 16	Peter T. Brooks	
No. 16	William A. Grant	Benton, part, Franklin, part, and Walla Walla
No. 17	W. Kim Peery	
No. 17	Holly Myers	Clark, part, Klickitat, and Skamania
No. 18	Betty Sue Morris	
No. 18	David Cooper	Clark, part, and Cowlitz, part
No. 19A	George L. Raiter	Cowlitz, part, and Wahkiakum, part
No. 19B	Bob Basich	Grays Harbor, part, Pacific, and Wahkiakum, part

No. 20	Rose Bowman	
No. 20	Bill Brumsickle	Lewis, and Thurston, part
No. 21	Jeanette Wood	
No. 21	John Byron Beck	Snohomish, part
No. 22	Karen Fraser	
No. 22	Jennifer Belcher	Thurston, part
No. 23	Paul Zellinsky, Sr.	
No. 23	Karen Schmidt	Kitsap, part
No. 24	Evan Jones	
No. 24	James E. Hargrove	Clallam, Grays Harbor, part, and Jefferson
No. 25	George W. Walk	
No. 25	Randy Tate	Pierce, part
No. 26	Ron Meyers	
No. 26	Wes Pruitt	Kitsap, part, and Pierce, part
No. 27	Ruth Fisher	
No. 27	Art Wang	Pierce, part
No. 28	Shirley J. Winsley	
No. 28	Sally W. Walker	Pierce, part
No. 29	P. J. (Jim) Gallagher	
No. 29	Brian Ebersole	Pierce, part
No. 30	Dick Schoon	
No. 30	Jean Marie Brough	King, part, and Pierce, part
No. 31	Mike Todd	
No. 31	Ernest F. Crane	King, part, and Pierce, part
No. 32	Joanne Brekke	
No. 32	Dick Nelson	King, part
No. 33	Lorraine A. Hine	
No. 33	Greg Fisher	King, part
No. 34	Michael Heavey	
No. 34	Georgette Valle	King, part
No. 35	Doug Sayan	
No. 35	Max Vekich	Grays Harbor, part, Kitsap, part, Mason, and Thurston, part
No. 36	Helen Sommers	
No. 36	Larry Phillips	King, part
No. 37	John L. O'Brien	
No. 37	Gary F. Locke	King, part
No. 38	Richard A. King	
No. 38	Pat Scott	Snohomish, part
No. 39A	Karla Wilson	Snohomish, part
No. 39B	Arthur C. Sprenkle	Snohomish, part
No. 40	Harriet Spanel	
No. 40	Jim Youngsman	San Juan, Skagit, part, and Whatcom, part
No. 41	Fred O. May	
No. 41	Jim Horn	King, part
No. 42	Dennis Braddock	
No. 42	Pete Kremen	Whatcom, part
No. 43	Calvin B. Anderson	
No. 43	Jesse Wineberry	King, part
No. 44	Maria Cantwell	
No. 44	Paul H. King	King, part, and Snohomish, part
No. 45	John W. Betzozoff	
No. 45	Louise Miller	King, part
No. 46	Marlin J. Appelwick	
No. 46	Ken Jacobsen	King, part
No. 47	J. Bruce Holland	
No. 47	Michael E. Patrick	King, part
No. 48	Roy A. Ferguson	
No. 48	Steve Van Luven	King, part
No. 49	Joseph E. King	
No. 49	Busse Nutley	Clark, part

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this ninth day of January, 1989.

(Seal)

Ralph Munro, Secretary of State.

ROLL CALL

The Clerk called the roll and all Members-elect were present.

OATH OF OFFICE

Justice Pearson administered the oath of office to the Members-elect of the House of Representatives.

On motion of Mr. Ebersole, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4600, by Representatives Ebersole and Ballard

BE IT RESOLVED, That the House Rules Committee shall meet no later than Friday, January 13, 1989, the fifth legislative day, to consider and make a recommendation on permanent rules for the House of Representatives; and

BE IT FURTHER RESOLVED, That no later than Monday, January 16, 1989, the eighth legislative day, the House of Representatives shall meet to consider adoption of permanent rules for the Fifty-first Legislature; and

BE IT FURTHER RESOLVED, That temporary House Rules for the Fifty-first Legislature be adopted as follows:

((PERMANENT)) TEMPORARY RULES
OF THE

HOUSE OF REPRESENTATIVES

((FIFTIETH)) FIFTY-FIRST LEGISLATURE

((1988)) 1989

(as ((amended January 11, 1988)) adopted January 9, 1989)

HOUSE RULE NO.

- RULE 1 Definitions
- RULE 2 Chief Clerk to Call to Order
- RULE 3 Election of Officers
- RULE 4 Powers and Duties of the Speaker
- RULE 5 Chief Clerk ((and Sergeant at Arms))
- RULE 6 Duties of Employees
- RULE 7 Admittance to the Floor
- RULE 8 Absentees and Courtesy
- RULE 9 Bills, Memorials and Resolutions -- Introductions
- RULE 10 Amendatory Bills -- Form
- RULE 11 Reading of Bills
- RULE 12 Amendments
- RULE 13 Final Passage
- RULE 14 Hour of Meeting, Roll Call and Quorum
- RULE 15 Daily Calendar and Order of Business
- RULE 16 Motions
- RULE 17 Members Right to Debate
- RULE 18 Rules of Debate
- RULE 19 Ending of Debate -- Previous Question
- RULE 20 Voting
- RULE 21 Reconsideration
- RULE 22 Call of the House
- RULE 23 Appeal from Decision of Chair
- RULE 24 Standing Committees
- RULE 25 Duties of Committees
- RULE 26 Free Conference Committee Report
- RULE 27 Vetoed Bills
- RULE 28 Suspension of Compensation
- RULE 29 Standing Rules Amendment
- RULE 30 Smoking

- RULE 31 Parliamentary Rules
 RULE 32 Rules to Apply for Assembly

DEFINITIONS

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

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

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

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

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

CHIEF CLERK TO CALL TO ORDER

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

ELECTION OF OFFICERS

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

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

POWERS AND DUTIES OF THE SPEAKER

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

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

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

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

(D) The speaker shall sign all bills in open session. (Art. II § 32)

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

(F) The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall neither extend beyond adjournment nor authorize the representative so substituted to sign any documents requiring the signature of the speaker.

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

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

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

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

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

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

CHIEF CLERK (~~AND SERGEANT AT ARMS~~)

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

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

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

DUTIES OF EMPLOYEES

RULE 6. Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services.

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

ADMITTANCE TO THE FLOOR

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

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

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

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

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

ABSENTEES AND COURTESY

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

BILLS, MEMORIALS AND RESOLUTIONS -- INTRODUCTIONS

RULE 9. Any member desiring to introduce a bill shall file the same with the chief clerk. Bills filed by 12:00 (noon) shall be introduced on the next working day, in the order filed: PROVIDED, That if such introduction is within the last ten days of a regular session, it cannot be considered without a direct vote of two-thirds (2/3) of all the members elected to each house with such vote recorded and entered upon the journal. (Art. II § 36)

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

All bills shall be endorsed with a statement of the title and the name of the member or members introducing the same. The chief clerk shall attach to all bills a substantial cover bearing the title and sponsors and shall number each bill in the order filed. All bills shall be printed unless otherwise ordered by the house.

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

AMENDATORY BILLS -- FORM

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

New sections need not be underlined but shall be designated "NEW SECTION.".

READING OF BILLS

RULE 11. Every bill shall be read on three separate days: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution this rule may be suspended by a majority vote.

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

After the first reading the bill shall be referred to an appropriate committee.

Upon being reported out of committee, all bills shall be referred to the rules committee.

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

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

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

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

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

(D) **THIRD READING.** Only the last line of bills shall be read on third reading unless a majority of the members present demand a reading in full. No amendments to a bill shall be received on third reading but it may be referred or recommended for the purpose of amendment.

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

(F) **CONCURRENT RESOLUTIONS.** Reading of concurrent resolutions may be advanced by majority vote.

AMENDMENTS

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

(A) **AMENDMENTS TO BE OFFERED IN PROPER FORM.** The chief clerk shall establish the proper form for amendments and all amendments offered shall bear the name of the member who offers the same, as well as the number and section of the bill to be amended.

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

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

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

(E) **SCOPE AND OBJECT NOT TO BE CHANGED.** No amendment to any bill shall be allowed which shall change the scope and object of the bill. (Art. II § 38)

(F) **NO AMENDMENT BY REFERENCE.** No act shall ever be revised or amended without being set forth at full length. (Art. II § 37)

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

FINAL PASSAGE

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

(A) **RECOMMITMENT BEFORE FINAL PASSAGE.** A bill may be recommitted at any time before its final passage.

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

(C) **BILLS PASSED -- CERTIFICATION.** When a bill passes, it shall be certified to by the chief clerk, said certification to show the date of its passage together with the vote thereon.

HOOR OF MEETING, ROLL CALL AND QUORUM

RULE 14. (A) **HOOR OF MEETING.** The speaker shall call the house to order each day of sitting at 11:00 A.M., unless the house shall have adjourned to some other hour.

(B) **ROLL CALL AND QUORUM.** Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the

house and may compel the attendance of absent members in the manner provided in Rule 22(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

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

DAILY CALENDAR AND ORDER OF BUSINESS

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

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

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

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

(B) ORDER OF BUSINESS. Business shall be disposed of in the following order:

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

Second: Introduction of visiting dignitaries.

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

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

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

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

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

Eleventh: Announcements.

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

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

MOTIONS

RULE 16. Rules relating to motions are as follows:

(A) MOTIONS TO BE ENTERTAINED OR DEBATED. No motion shall be entertained or debated until announced by the speaker and every motion shall be deemed to have been seconded. A motion shall be reduced to writing and read by the clerk, if desired by the speaker or any member, before it shall be debated and by the consent of the house may be withdrawn before amendment or action.

(B) MOTIONS IN ORDER DURING DEBATE. When a motion has been made and seconded and stated by the chair, the following motions are in order, in the rank named:

(1) Privileged motions:

Adjourn

Adjourn to a time certain

Recess to a time certain

Reconsider

Demand for division

Question of privilege

Orders of the day

(2) Subsidiary motions:

First rank: Question of consideration

Second rank: To lay on the table

Third rank: For the previous question

Fourth rank: To postpone to a day certain

To commit or recommit

To postpone indefinitely

Fifth rank: To amend

- (3) Incidental motions:
 Points of order and appeal
 Method of consideration
 Suspension of the rules
 Reading papers
 Withdraw a motion
 Division of a question

(C) THE EFFECT OF POSTPONEMENT -- MOTIONS TO POSTPONE OR COMMIT. No motion to postpone to a day certain, to commit, to postpone indefinitely being decided shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

(D) MOTIONS DECIDED WITHOUT DEBATE. A motion to adjourn, to recess, to lay on the table and to call for the previous question shall be decided without debate.

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 23.

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

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

MEMBERS RIGHT TO DEBATE

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

(A) RECOGNITION OF MEMBER. When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized.

(B) ORDER OF SPEAKING. When two or more members arise at once, the speaker shall name the one who is to speak.

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house.

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

RULES OF DEBATE

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

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

(B) WITHDRAWAL OF MOTION, BILL, ETC. After a motion is stated by the speaker or a bill, memorial, resolution, petition or remonstrance is read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn by consent of the house at any time before decision or amendment.

(C) READING OF A PAPER. When the reading of any paper is called for and is objected to by any member, it shall be determined by a vote of the house.

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

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

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

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

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

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

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

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

ENDING OF DEBATE -- PREVIOUS QUESTION

RULE 19. The previous question may be ordered on all recognized motions or amendments which are debatable by a two-thirds (2/3) vote of the members present.

The previous question is not debatable and cannot be amended.

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

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED HOWEVER, That when a bill is on final passage or when the motion to postpone indefinitely is pending, one of the sponsors of the bill or the chair of the committee may have the privilege of closing debate after the previous question has been ordered.

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

VOTING

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

(B) ALL MEMBERS TO VOTE. Every member who was in the house when the question was put shall vote unless, for special reasons, excused by the house.

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

Upon a division and count of the house on the question, only members at their desks within the bar of the house shall be counted.

(C) CHANGE OF VOTE. When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

(D) PRIVATE INTEREST. No member shall vote on any question in which that member is immediately or particularly interested*.

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

(E) INTERRUPTION OF ROLL CALL. Once begun, the roll call may not be interrupted. No member or other person shall visit or remain at the clerk's desk while the yeas and nays are being called.

(F) YEAS AND NAYS -- RECORDED VOTES. Upon the final passage of any bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: PROVIDED, HOWEVER, That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. (Art. II § 21)

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

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

(G) TIE VOTE, QUESTION LOSES. In case of an equal division, the question shall be lost.

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

RECONSIDERATION

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

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote was taken: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken.

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

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

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

CALL OF THE HOUSE

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

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

(B) SERGEANT AT ARMS TO BRING IN THE ABSENTEES. The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are excused and who are absent without leave.

The clerk shall furnish the sergeant at arms with a list of those who are absent without leave, and the sergeant at arms shall proceed to bring in such absentees;

but arrests of members for absence shall not be made unless ordered by a majority of the members present.

(C) HOUSE UNDER CALL. While the house is under a call, no business shall be transacted except to receive and act on the report of the sergeant at arms; and no other motion shall be in order except a motion to proceed with business under the call of the house or a motion to excuse absentees. The motion to excuse absent members shall not be adopted unless a majority of the members elected vote in favor thereof.

(D) CALL OF HOUSE RAISED WHEN ABSENTEES RETURN. When the sergeant at arms shall make a report showing that all who were absent without leave are present, the call of the house may be dispensed with.

APPEAL FROM DECISION OF CHAIR

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

STANDING COMMITTEES

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

1. Agriculture & Rural Development	((14)) 12
2. Appropriations	30
3. Capital Facilities & Financing	13
4. Commerce & Labor	11
((3.)) Constitution, Elections & Ethics	7
4.)) 5. Education	((21)) 19
((5.)) 6. Energy & Utilities	((15)) 13
((6.)) 7. Environmental Affairs	((14)) 12
((7.)) 8. Financial Institutions & Insurance	15
9. Fisheries & Wildlife	11
((8.)) 10. Health Care	11
((9.)) 11. Higher Education	((13)) 14
((10.)) 12. Housing	9
((11.)) 13. Human Services	((9)) 11
((12.)) 14. Judiciary	((17)) 19
((13.)) 15. Local Government	14
((14.)) 16. Natural Resources & Parks	((19)) 11
((15.)) 17. Rules	19
18. Revenue	17
((16.)) 19. State Government	((9)) 10
((17.)) 20. Trade & Economic Development	((19)) 13
((18.)) 21. Transportation	((30)) 27
((19.)) Ways & Means	31
Appropriations subcommittee	23
Revenue subcommittee	11))

DUTIES OF COMMITTEES

RULE 25. House committees shall operate as follows:

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

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

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

(D) DUTIES OF STANDING COMMITTEES.

(1) Only such bills as are included on the written notice of a committee meeting may be considered at that meeting except upon the vote of a majority of the entire membership of the committee to consider another bill.

(2) A majority recommendation of a committee must be signed by a majority of the entire membership of the committee in a regularly called meeting before a bill, memorial or resolution may be reported out: PROVIDED, That a majority of the members elected to the house may require a committee to report a bill back to the house during the order of business at which it may be considered.

Bills referred to the ways and means committee may be assigned to the appropriations or revenue subcommittee by the committee chair. Bills assigned to the appropriations or revenue subcommittee may be acted upon by the assigned subcommittee and recommendations of these subcommittees when signed by a majority of the membership of such subcommittee and approved by the chair of the ways and means committee shall be reported back to the house, except that budget bills shall be acted upon by the whole ways and means committee before being reported back to the house.

Majority recommendations of a committee can only be "do pass", "do pass as amended" or that "the substitute be substituted therefor and that the substitute bill do pass."

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

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

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

(6) All bills having a direct appropriation shall be referred to the ways and means committee or transportation committee as appropriate before their final passage.

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

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

FREE CONFERENCE COMMITTEE REPORT

RULE 26. No floor vote may be taken on any free conference report within twenty-four (24) hours of its placement on each member's desk, unless the free conference committee made no changes in the bill as it was last acted upon by the house.

VETOED BILLS

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

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

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

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

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

SUSPENSION OF COMPENSATION

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

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

STANDING RULES AMENDMENT

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

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

SMOKING

RULE 30. Smoking of cigarettes, pipes or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within the House Chamber.

"No smoking" signs shall be posted in all committee rooms of the house of representatives.

PARLIAMENTARY RULES

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

RULES TO APPLY FOR ASSEMBLY

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

Mr. Ebersole moved adoption of the resolution. Representatives Ebersole and Ballard spoke in favor of adoption of the resolution, and Mr. Prince opposed it.

House Floor Resolution No. 89-4600 was adopted.

ELECTION OF SPEAKER OF THE HOUSE

The Chief Clerk announced that nominations were in order for Speaker of the House of Representatives.

Mr. Walk: Thank you, Mr. Chief Clerk. Ladies and gentlemen of the body: I rise to nominate Representative Joseph E. King as Speaker of the House of Representatives. Being Speaker of the House is a very unique office, I think we all agree. It requires a unique type of leadership; after all, we are a unique crew of characters that the Speaker is called upon to lead. When we look at the different types of leaders that we have had in the past, often the personalities of the House reflect the type of leader. At times we can recall very, very Democratic personalities in the House and that kind of leadership, and at other times, a very firm, strong hand.

I think most of us will agree that in the leadership of Speaker King, we have found a middle ground, a fine line—unfortunately often a very tight line—but a line that prevents us from falling into a chasm of anarchy on one side and the chasm of a dictatorship on the other side. Speaker King has proven himself to be open and accessible; he listens to criticism. That doesn't mean that we always get what we want as individuals. I think that is important, too. The actions of the Speaker have to be judged on the basis of love for the institution in which we serve and for the public which we represent. Sometimes he forces us to do the things that we must do. He forces us, with a firm hand sometimes, to face the task and the issues that we must face. As a representative of this body, the Speaker is above everyone else. It is the Speaker to whom the public looks for visions and leadership as he represents this House and, to a degree, this entire Legislature.

I think Joe King has proven himself to be the kind of person that we want to provide that leadership. I am very proud to be able to stand here and ask for the re-election of the gentleman from the 49th District.

Ms. Morris: Thank you, Mr. Chief Clerk. As a new member of this House, it is both a delight and a privilege to make my first public remarks to second the nomination of Joe King for Speaker of the House. I have not had the opportunity to work with Joe in a legislative capacity, but during the ten years of our acquaintanceship in the same home town, I know that he is a man who is admired as a leader, respected as a businessman and trusted as a friend. He is a man of substance, a man of character with the kind of qualities that will make a Speaker of unusual excellence. Thank you.

Ms. Brough: Thank you, Mr. Chief Clerk. It is truly with great pride and pleasure that I rise today to place in nomination the name of my respected colleague and good friend, Representative Clyde Ballard. I place his name in nomination for Speaker of the House of Representatives. I stand before you with a slight suspicion that, perhaps, this election has a known outcome. If we look at the reader board before us, we see "Mr. Speaker J. King" upon the board. It is quite possible that there is a foregone conclusion here.

Nonetheless I do wish to place Representative Ballard's name before you. I do this for several reasons. Clyde Ballard's leadership and commitment to service in this body are well known. He would serve us well. He would be a credit not only to this House of Representatives, but also to the citizens of our state. Representative Ballard has played a major role in developing an improved sense of respect and working relationships between the two political parties that represent the public in this arena. Representative Ballard has earned our respect not only because of the talent that he has and the sound judgements that he has made, but also because of his willingness to listen to each and every one of us, his open-minded approach to problem solving, and a very deep sense of integrity that we all recognize that he brings to us each and every time we have contact with him.

These attributes would go a long way in making him a truly outstanding Speaker for the House of Representatives. I place his name in nomination with pride and ask for your support. Thank you.

Mr. Padden: Thank you, Mr. Chief Clerk. I am most happy to second the nomination of the senior representative from the 12th District. He is in his seventh year in the Legislature and hails from East Wenatchee in Douglas County. We are going to be facing a tough session ahead, one that will require hard work and long hours from all of us, in all probability, for more than one hundred and five days. Our nominee knows the importance of both bipartisan cooperation and the necessity of strongly articulating certain basic concepts: individual freedom, limited government and public safety. This will be the first chance for many of you on the other side of the aisle to show your independence in casting a vote for the gentleman from the 12th District. I would ask you to join with me in that endeavor. Thank you.

On motion of Mr. Ebersole, the nominations for Speaker of the House were closed.

ROLL CALL

The Clerk called the roll and Representative Joe King was elected Speaker of the House of Representatives by the following vote: Those voting for Mr. King, 63; those voting for Mr. Ballard, 35.

Voting for Representative J. King: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, G. Fisher, R. Fisher, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Insee, Jacobsen, Jesernig, Jones, P. King, R. King, Kremen, Leonard, Locke, R. Meyers, Morris, H. Myers, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, H. Sommers, Spanel Sprengle, Todd, Vaile, Vekich, Walk, Wang, K. Wilson, Wineberry, Zellinsky - 63.

Voting for Representative Ballard: Representatives Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, J. King, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, D. Sommers, Tate, Van Luven, Walker, S. Wilson, Winsley, Wolfe, Wood, Youngsman - 35.

The Chief Clerk appointed Representatives Jesernig and Miller, to escort Representative J. King to the rostrum.

Justice Pearson administered the oath of office to Speaker King.

The Chief Clerk presented the gavel to the Speaker.

SPEAKER'S ACCEPTANCE SPEECH

The Speaker: Thank you. Thank you very much for electing me as Speaker of the House of Representatives again. It is an almost inexpressible honor. First, let me say to my good friend Clyde Ballard, that tradition calls for us to be opponents for a few minutes in the election procedure. But, you know that we have always worked together to find common ground. And when we have found ourselves on opposite sides of the fence, we have acted like neighbors. I can't regard you as an opponent, Clyde. I respect you as a leader and regard you as a friend.

I also want to congratulate our newest members. An hour ago you were community leaders. Now that you have taken your oath of office, you are state leaders. I know how proud you are at this moment. I know how proud your friends and relatives are. Those of us who have served in this House before you are honored to welcome you as colleagues. Congratulations, Representatives. I suspect that you will swear a few more oaths before the session is over, but this was the one to invite your friends and family to.

To all honorable members on both sides of the aisle I want to say that I am and will be the Speaker for the entire House. Since this is our centennial year, I hope all of us will give a little extra weight to the importance of the institution of which we are all part. I hope that we will remember that this institution and, in general, the state of Washington is greater than the sum of its parts. I know that sounds trite, but most common-sense truths do. The truth is that we represent forty-nine districts, two parties, but only one state. We will need leadership coming from all directions and going in one direction. If we provide that kind of leadership, then we will have a session worthy of Washington's centennial year.

I am hoping that we will have a very successful year. When this gavel falls at the end of the session, I hope that we will have made more than merely incremental changes to our state. When this gavel falls, I hope our accomplishments will be a credit to us and to the people who elected us. And when this gavel falls at the end of the session, I hope that the press and public will say that the cynics were wrong, that expectations were exceeded and that this was a session of hard work well done. Thank you. Thank you very, very much.

POINT OF PERSONAL PRIVILEGE

Mr. Ballard: Thank you, Mr. Speaker. I would like to first congratulate my friend, Representative King, on his re-election as Speaker. We, too, look forward to continuing a good working relationship this coming session. Congratulations.

As we convene today in this centennial year it is interesting to contemplate just what the people who met in the First Legislature, even before Washington was granted statehood, might think of the issues before us now. It is also fun to consider just what those first legislators might think of the changes that have occurred in this body during the past one hundred years. For instance, they would probably be

pleased that the issues uppermost in their minds--the education of young people, protection of home and families, and the development of a transportation system to safely move people and products--remain top priorities of state government. On the other hand, think about how amazing those early legislators would find today's legislative world. After all, the first legislators didn't have a desk, much less a private office to work in. During the first legislative session there was no legislative hotline and, therefore, no hotline messages to answer. In fact, there weren't even any telephones. They tell me, and some of our senior members here can confirm this, that later on when they did have telephones, you had to ask the Chief Clerk for permission to use the phone and, if you wanted to call a constituent, you had to use a pay phone in the back of the Chamber and pay for it out of your pocket. Our forerunners would not have seen an Ulcer Gulch and they probably would have no idea what a Third House was. All things considered, the first legislators would likely be astounded when confronted with the demands and the questions posed daily by the throngs of reporters, lobbyists, staff and constituents who are so much a part of our everyday legislative life. If those first legislators could begin to come to grip with how much eleven or twelve billion dollars is, they would surely be amazed that all of our financial resources never seem to be enough to satisfy everyone. And what would the reaction of the first legislators be to our beloved murals?

It is also a pleasure to see so many new faces. As the Speaker said, we all benefit from the infusion of new ideas and new energy that follow an election. Of course, I must admit it would be a greater pleasure if there were more new faces on this side of the aisle. Nevertheless, we can all look forward to building new friendships and a cordial, yet frank, debate of the critical issues before us as we embark on Washington's second hundred years.

Clearly, we have some basic differences and these differences may be highlighted on some of the very substantial issues we will be asked to address this year. I can assure you that we will remain and operate as a loyal opposition. We will not obstruct the process, even if we try to save you from many mistakes toward which you may appear headed. We look forward to a good session and are prepared to work with you in conducting the people's business. Thank you.

ELECTION OF SPEAKER PRO TEMPORE

The Speaker announced that nominations were in order for Speaker Pro Tempore of the House of Representatives.

Mr. Ebersole: Thank you, Mr. Speaker. It is with a great deal of admiration and affection that I rise to nominate the most distinguished member of the Washington State House of Representatives, The Honorable John Lawrence O'Brien. In 1989 Washington State is one hundred years old and we celebrate its first century of statehood. In 1989 John L. O'Brien is somewhat less than one hundred years old and we celebrate his first half century of service as a State Representative.

John O'Brien is a great man. John O'Brien lives forever and serves forever. John O'Brien has served longer than anyone alive can remember. John was first appointed to this body in 1939. Franklin Delano Roosevelt was in the White House and John Lawrence O'Brien was in this State House. Since that time John O'Brien, with some help from his friends, has survived twenty-four election campaigns. Each year the sages predict his demise; each year John proves them wrong. John is invincible. In 1988 John emerged from his campaign as the darling of the left, the darling of the right, and the darling of the middle of the road.

Now you might have noticed the new carpet in the House. I want to set one thing straight. Contrary to popular opinion, John O'Brien did not pick out the carpet. He thinks it doesn't match his murals, although he does appreciate the Herculean effort that went into this renovation project.

A bit more history. From 1955 to 1962 John O'Brien served as Speaker of the House. John O'Brien is the only person elected Speaker of the House four consecutive times. Remember that. Joe. He also served as Acting Speaker in 1976 and 1980. He has served as Speaker Pro Tempore for seven terms. In fact, John O'Brien has served in a leadership position in a state legislature longer than any person, Democrat or Republican and House Member or Senator, in the history of these United

States—a truly remarkable achievement. He has served as a member of this House for over sixty percent of all session days since statehood in 1889.

We all hold our eldest and best statesman in the highest regard. He brings dignity and decorum to our Chambers. His presence enriches our institution and gives us a sense of history and time-honored tradition. He is a gentleman. He was here before his good friend Lieutenant Governor Cherberg and he is here now after Lieutenant Governor Cherberg. He is an institution within this institution. John O'Brien loves this House and we love him. He represents all that is good about the Washington State House of Representatives. He was here as a member to celebrate the fiftieth birthday of this state, and he is here now as a member to celebrate the one-hundredth birthday. Father O'Brien, thank you.

Mr. Prince: Mr. Speaker and ladies and gentlemen of the body: I rise and consider it a great honor to second the nomination of John L. O'Brien. You have heard an excellent rendition of his longevity, but the thing I think is most important about the service of John O'Brien is that he has left a record that few will ever attempt to equal. A four-time Speaker of the House is something to which we don't have a close peer. He was acknowledged in the 1960s as an outstanding legislator. That was before most of us showed up here. He has carried that tradition; he has carried that respect up through the years. When the history of this state is written, his name will be prominently displayed among those who gave of their time and their effort to make this the great state that it is. I consider it an honor to be able to join in seconding the nomination of Representative O'Brien.

Ms. Hine: Thank you, Mr. Speaker. I also would like to second the nomination of Representative O'Brien for Speaker Pro Tempore. We have heard a good deal about the history and the dignity that Representative O'Brien brings to this office. I want to talk about a few of the other kinds of activities and flavor that Representative O'Brien contributes to the welfare of all of us. He has been in charge of finding people to give us the spiritual guidance and help beyond ourselves that we need every morning as we come into session. He has also been very willing to share his vast knowledge of time past and mistakes made. But he does it with a twinkle in his eye and never says, "You dumb jerk; you know you shouldn't be doing that." Rather he will look at you with a smile and say, "Are you sure you want to do that?" Most of the time, if you will probe, you will find a pretty good reason why the track you are on might not be the best one. The sense of history and the always decorous manner in which Representative O'Brien presides is something that we should all emulate. He is firm, but fair. As I have pointed out on other occasions, when he gives his rulings, he can always find one of his own to give reason for the current one, and it can sometimes be on opposite sides. With those kinds of tools in hand we could certainly do no better than to place Representative O'Brien as our Speaker Pro Tempore to guide us through this one-hundredth year in our state's history.

Mr. Dellwo: Mr. Speaker and members of the House: I also rise to second the nomination of this great man. I was looking through the archives, trying to find something new to say about John, and, as you might expect, I found nothing new. In my looking I found a quote that I wanted to share with the body and, with the permission of the House, I would like to read very briefly: "John, as you will readily recognize, is the legislator's legislator. He is the most senior member of this body. I have served in his shadow for eight years now. When John first came to the Legislature in 1941, I was in high school. (I wasn't even born. I think I was born four years later.) John, in fact, is so much a part of the legend and history and lore of this institution I was somewhat at a loss to convey this to the new members that might not be aware of it."

He then went on to extol the virtues and the qualities of John. This was back in 1973, on the first day of the session then, and the speaker is now our Chief Clerk. I am sure, if he were on the floor of the House now, he would join me in seconding the nomination of this illustrious man to serve again as our Speaker Pro Tempore.

On motion of Mr. Ebersole, the nominations for Speaker Pro Tempore were closed.

Representative John L. O'Brien was unanimously elected Speaker Pro Tempore of the House of Representatives.

The Speaker appointed Representatives Heavey and S. Wilson to escort Representative O'Brien to the rostrum.

Justice Pearson administered the oath of office to Speaker Pro Tempore John L. O'Brien.

Mr. O'Brien: Justice Pearson, Mr. Speaker, ladies and gentlemen of the House: Thank you very much for again electing me to the office of Speaker Pro Tempore of the House of Representatives. I certainly appreciate the kind remarks of Representatives Ebersole, Prince, Hine and Dellwo. Representative Ebersole must have spent a great deal of time on his research, and I am humbled and flattered in listening to the remarks of that great gentleman.

I have been very fortunate to serve as a member of the House of Representatives for many terms. It is an experience deeply cherished by me. Due to this legislative service I have met and made friends with some of the finest people in the world, and that includes all of you here today. To represent the people of our districts in the State Legislature is a public trust of the highest degree. There is no greater honor than to have the confidence and respect of our fellow citizens. Legislators share a common bond of friendship and fraternalism that cannot be equalled anywhere. It develops due to the intensity of our legislative actions and work during the sessions. This becomes apparent when we meet during the interims and exchange greetings.

I look forward to serving with you, Speaker King, in this Fifty-First Session of the Washington State Legislature and with the anticipation that we will be successful in solving the many problems facing our state. Again, thank you very much for this kind honor. I would like to say that this is something that I appreciate very much. Thank you for giving me this high honor as Speaker Pro Tempore of this session of the Legislature.

At this time I would like to recognize my family in the south gallery--my wife, Mary; my daughters, Laurie, Karen and Jeannie; and my son, Paul, who are accompanied by my niece, Mary Lynn; her husband, Hank; and nephew, Jacob.

The Speaker instructed the escort committee to escort Speaker Pro Tempore John L. O'Brien to his seat on the floor of the House.

ELECTION OF CHIEF CLERK

The Speaker announced that nominations were in order for Chief Clerk of the House of Representatives.

Ms. Hine: Thank you, Mr. Speaker. I would like to place in nomination the name of Mr. Alan Thompson. As we talk today about the history of this institution and sit in awe of the pomp and circumstance and staggering responsibility that we have undertaken in this year of our one-hundredth birthday, we must think about the kind of support and help that we need in order for us to do our jobs properly. That chief officer for us is our Chief Clerk.

As we think about the qualities of Chief Clerk, we think first about someone who is experienced, someone who knows this institution. Few people fit that category more than Alan. Alan has served here for several years--eighteen in the House and four in the Senate--before being elected our Chief Clerk two years ago. He served with distinction during that time. We need somebody who will show respect for the institution and fairness to both parties and to all of us, regardless of our committees or how long we have served here or anything else, other than the fact that we are duly elected and here to serve. Alan has shown over the last two years that he is very fair and helpful to everyone of us, whatever our needs might be. We need someone who will display calmness. There is an old saying, "When all around are in chaos and you remain calm, you probably don't understand the problem." Alan does. That kind of calmness in addressing tough questions makes something seemingly insurmountable suddenly become possible and manageable. We need someone who will be consistent, and Alan is consistent--he has worn a bow tie for years whether they are in fashion or not. We need someone

who has a sense of humor. I know of no one else who has the wit and uses language in a way that can bring a smile and a little bit of cheer.

The job ahead is a challenging one. Without that sense of humor and without the ability to give us the tools to serve the public better, we would not be able to do as good a job. I believe the experience and the gentlemanly approach that Alan has brought to his position as Chief Clerk in the last two years will serve us well. He has started and will continue to support a process that will help us to serve our constituents better. I urge your support for Alan Thompson to be our Chief Clerk once again.

Ms. Walker: Thank you, Mr. Speaker. Alan Thompson has shown us, time and time again, his concern for this institution and the way that this institution operates. He has been very fair to the loyal opposition--mind you, not overly generous, but fair. I was told, when Alan first became the Chief Clerk, that he was a very laid back, low key kind of guy. Looking at the number of people across the aisle from me--low key, laid back? I don't believe a word of it. After you and I have been elected, we think, "Well, that job is over with. Now I'll go down to Olympia on January 9 and go to work." Unless Alan Thompson performed all of the duties that he performs, we would be milling around in the parking lot, not knowing what to do with our cars. All the work that goes on so that we can come to this day and have the privilege and opportunity of being sworn in with grace and ease is attributable to Alan Thompson. For that reason I am very proud and pleased to second the nomination for Alan Thompson. I am sure that you are going to join me. Thank you.

On motion of Mr. Ebersole, the nominations for Chief Clerk were closed.

Mr. Alan Thompson was unanimously elected Chief Clerk of the House of Representatives.

Justice Pearson administered the oath of office to Chief Clerk Alan Thompson.

The Chief Clerk: Thank you, Mr. Speaker and Justice Pearson. Representative Hine and Representative Walker, thank you for your generous comments. Thank you, Representative Ebersole, for your motion. I particularly liked that. To all of you on both sides of the aisle, I want to just state briefly and simply that I will do my very best to deserve your confidence and many kindnesses and the great honor you have just provided me to serve you as Chief Clerk of the House of Representatives.

SPEAKER'S PRIVILEGE

The Speaker recognized Mrs. Barbara Thompson, who was seated in the place of honor in the rear of the House Chamber.

The Speaker appointed Representatives Appelwick and Schmidt to escort The Honorable Justice Vernon Pearson of the Supreme Court from the House Chamber.

REPORT OF SPECIAL COMMITTEE FROM SENATE

The Sergeant at Arms announced the arrival of a special committee from the Senate and the Speaker instructed him to escort the committee to the bar of the House.

The committee, consisting of Senators Rasmussen, Cantu, Patterson and Moore, advised the House that the Senate was organized and ready to conduct business.

The report was received and the special committee was escorted from the House Chamber.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4601, by Representatives Ebersole and Ballard

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

On motion of Mr. Ebersole, the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the terms of House Floor Resolution No. 89-4601, the Speaker appointed Representatives Basich, Valle and Hankins to notify the Senate that the House was organized and ready to conduct business.

On motion of Mr. Ebersole, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 1000 by Representatives Valle, Fuhrman, Pruitt, Hine, Van Luven, Ferguson, Jacobsen, R. Fisher, D. Sommers, Jones, Rust, Anderson, Wineberry, Holland, Rector, Dellwo, Nelson, Brekke, Betrozoff, Cole, Spanel and K. Wilson,

AN ACT Relating to irradiated foods; adding a new section to chapter 69.04 RCW; and creating a new section.

Referred to Committee on Environmental Affairs.

HB 1001 by Representatives P. King and Patrick

AN ACT Relating to the writ of certiorari; and amending RCW 7.16.120.

Referred to Committee on Judiciary.

HB 1002 by Representatives P. King, Patrick and Padden

AN ACT Relating to the correction or amendment of internal references in the Revised Code of Washington; and amending RCW 9.46.293, 19.52.900, and 69.50.408.

Referred to Committee on Judiciary.

HB 1003 by Representatives P. King, Patrick and Padden

AN ACT Relating to the repeal of obsolete sections in the Revised Code of Washington; and repealing RCW 18.34.130, 18.36.136, 42.28.030, 42.28.035, 42.28.060, 42.28.070, 42.28.090, 43.31.370, 43.230.050, and 46.63.150.

Referred to Committee on Judiciary.

HB 1004 by Representatives P. King, Patrick and Padden

AN ACT Relating to technical corrections in the Revised Code of Washington; amending RCW 11.98.160, 19.52.020, 43.52.395, 63.14.130, 84.69.100, 19.52.030, 63.14.154, and 70.92.110; and adding a new section to chapter 4.16 RCW.

Referred to Committee on Judiciary.

HB 1005 by Representatives P. King, Patrick and Padden

AN ACT Relating to the reconciliation of double amendments or repeals in the Revised Code of Washington; amending RCW 18.57.085; amending section 143, chapter 30, Laws of 1985 (uncodified); amending section 1, chapter 114, Laws of 1979 ex. sess. (uncodified); reenacting RCW 11.98.029, 29.13.060, 43.03.010, and 48.24.060; reenacting and amending RCW 48.46.060; creating a new section; and repealing RCW 8.25.170 and 39.56.010.

Referred to Committee on Judiciary.

HB 1006 by Representatives Ballard, Rayburn, McLean, Doty, Smith, Wineberry, Ferguson, Wood, Horn, D. Sommers, Winsley, Schoon and Baugher

AN ACT Relating to the importance of apples in the state of Washington; adding a new section to chapter 1.20 RCW; and adding a new section to chapter 46.16 RCW.

Referred to Committee on State Government.

HB 1007 by Representatives Ballard, Ferguson, McLean and K. Wilson

AN ACT Relating to safety in water skiing; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Natural Resources & Parks.

HB 1009 by Representatives P. King, Brough, Cole, Todd and K. Wilson

AN ACT Relating to television campaign advertisements; and adding a new section to chapter 29.04 RCW.

Referred to Committee on State Government.

HB 1010 by Representatives Sayan, Patrick, Wang, Wineberry, R. King, Rector, Dellwo, Winsley, Basich and Day

AN ACT Relating to disability leave supplement for law enforcement officers and fire fighters; amending RCW 41.04.510; repealing section 9, chapter 462, Laws of 1985 (uncodified); and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1011 by Representatives P. King, S. Wilson and Scott

AN ACT Relating to superior court judges; amending RCW 2.08.064; and creating a new section.

Referred to Committees on Judiciary/Appropriations.

HB 1012 by Representatives P. King and D. Sommers

AN ACT Relating to reimbursement for using county jail space; and amending RCW 70.48.440 and 70.48.460.

Referred to Committee on Appropriations.

HB 1013 by Representatives P. King, Anderson, Jacobsen, Todd and K. Wilson

AN ACT Relating to motor vehicle warranties; and amending RCW 19.118.021.

Referred to Committee on Commerce & Labor.

HB 1014 by Representatives P. King, Jacobsen and Hine

AN ACT Relating to agricultural preserves; and adding a new chapter to Title 84 RCW.

Referred to Committees on Local Government/Revenue.

HB 1015 by Representatives P. King and Winsley

AN ACT Relating to involuntary commitment; and amending RCW 71.05.020, 71.05-120, 71.05.130, 71.05.250, and 71.05.370.

Referred to Committee on Human Services.

HB 1016 by Representative P. King

AN ACT Relating to crime victim compensation; amending RCW 7.68.080; providing an effective date; and declaring an emergency.

Referred to Committees on Commerce & Labor/Appropriations.

HB 1017 by Representatives P. King and K. Wilson

AN ACT Relating to educational food service employees; adding a new section to chapter 28A.41 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committees on Education/Appropriations.

HB 1018 by Representatives P. King and Winsley

AN ACT Relating to unclaimed property; and amending RCW 63.29.130.

Referred to Committee on Judiciary.

HB 1019 by Representatives P. King and Scott

AN ACT Relating to home detention; and reenacting and amending RCW 9.94A.030.

Referred to Committee on Judiciary.

HB 1020 by Representatives Vekich, Winsley, Patrick, Sayan, Prentice, Rector, Dellwo, Basich, Spanel and P. King

AN ACT Relating to collective bargaining for district and municipal court employees; and amending RCW 41.56.020 and 41.56.030.

Referred to Committee on Commerce & Labor.

HB 1021 by Representatives Hine, Silver, Sayan, D. Sommers, H. Sommers, Patrick, Anderson, Jacobsen, Smith, Wineberry, Prentice, Brough, Rector, Dellwo, May, Betrozoff, Cole, Ferguson, Wood, Horn, Walker, Todd, Winsley, Schoon, McLean, Moyer, Basich, P. King, Miller and Bowman; by request of Joint Committee on Pension Policy

AN ACT Relating to portability of pension benefits for school nurses; adding new sections to chapter 41.32 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1022 by Representatives Spanel, S. Wilson, R. King, Schmidt, Braddock, Haugen, Ebersole, Cooper, Kremen, Cole, Heavey, Winsley, Youngsman, Basich, Rasmussen, P. King and K. Wilson

AN ACT Relating to smelt fishing derbies; amending RCW 75.25.090; and declaring an emergency.

Referred to Committee on Fisheries & Wildlife.

HCR 4400 by Representatives Ebersole and Ballard

Calling a joint session of the legislature.

HCR 4401 by Representatives Ebersole and Ballard

Notifying the governor that the legislature is organized and ready to conduct business.

MOTION

On motion of Mr. Ebersole, the rules were suspended and House Concurrent Resolution No. 4401 was advanced to second reading.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4401, by Representatives Ebersole and Ballard

Notifying the governor that the legislature is organized and ready to conduct business.

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

House Concurrent Resolution No. 4401 was adopted.

MOTION

On motion of Mr. Ebersole, House Concurrent Resolution No. 4401 was ordered immediately transmitted to the Senate.

APPOINTMENT OF SPECIAL COMMITTEE

Under the terms of House Concurrent Resolution No. 4401, the Speaker appointed Representatives Anderson, K. Wilson and Patrick to notify the Governor that the Legislature was organized and ready to conduct business.

MOTION

On motion of Mr. Ebersole, the rules were suspended and House Concurrent Resolution No. 4400 was advanced to second reading.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4400, by Representatives Ebersole and Ballard

Calling a joint session of the legislature.

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

House Concurrent Resolution No. 4400 was adopted.

MOTION

On motion of Mr. Ebersole, House Concurrent Resolution No. 4400 was ordered immediately transmitted to the Senate.

MOTION

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

SPEAKER'S PRIVILEGE

The Speaker introduced to the members of the House of Representatives a former member, Mr. John N. Sylvester, who served in the House of Representatives from 1937-41 and as Speaker of the House exactly fifty years ago. Speaker Sylvester was welcomed by the members of the House.

Speaker Sylvester: Thank you, Mr. Speaker. Ladies and gentlemen: It is a pleasure to be here. It was exactly fifty years ago today on January 9, 1939 that I was elected Speaker. We had seventy-five Democrats and twenty-four Republicans. All twenty-four Republicans voted for me. I abstained from voting, so that I could let the Republicans think that I needed their vote.

Things have changed since I have been here. I have done some lobbying down here. I wanted to tell you that in 1941 John O'Brien came to my office--I think he came to thank me for the twenty-five dollars I advanced to his campaign. He said, "Jack, I want to be Speaker of the House. I want to beat your record; I want to be Speaker the first time I'm in session." I said, "John, about how many people do you have in on it?" He said, "About fifteen or eighteen." I said, "Forget it." We were getting five dollars a day when we were in session and ten cents a mile to and from the Legislature one time, back and forth. We passed a referendum in 1939 to put to a vote of the people to raise the salary of the legislators to one hundred dollars a month. I was single then and went around the state in my own car at my own expense and talked any place they would give me a forum. I remember I was over in eastern Washington at a big Grange meeting with about a hundred people there. I said to them, "You know, I want to tell you, during the last sixty-three days I was down there in Olympia, I lost nine pounds and had to get new glasses. Now you should support and vote for this." One guy, a big farmer, said back to me, "Yes, and you're overpaid."

I have a very good friend in New York who has a summer place in Cape Cod. One day, while my wife and I were back there visiting, we came back from the golf course we had just enjoyed playing. He said, "Jack, would you like to meet Tip O'Neill?" I said I would, so he called up and came back and said, "Tip O'Neill has just left." So four years ago I was writing a letter to my friend, and I told him that I thought I was the youngest Speaker in the history of the United States. He took a photocopy of my letter and sent it to Tip O'Neill. Tip O'Neill was kind enough to send a nice letter to me, addressing me as Mr. Speaker--a kid like me being addressed by the Speaker of the U.S. Congress. In any event I would like to read you a speech after I was elected Speaker.

"Members of the 1939 Session of the Legislature:

"You have greatly honored me by selecting me to serve as your Speaker. May I thank each and every one of you who have so kindly expressed your confidence by placing this trust in me. I hope that my administration will merit your continued confidence and support.

"There are some people who would lead you to believe that you as members of the two political parties should pattern your activities with the 1940 elections foremost in your minds. In this regard may I remind you that you and I were elected to represent the people of our respective districts for the 1939 Session of the Legislature and, to fulfill the obligations assumed by us, we must concentrate solely upon the problems at hand. It is needless to say that we will have much to do in order to conscientiously attend to the immediate needs of our people.

"The welfare of the State of Washington is paramount to any political party or organization.

"I feel confident that by all of us working together, shoulder to shoulder, we can solve even the most difficult problems before us.

"Again I thank you for the honor you have bestowed upon me."

Thank you, Joe.

REPORT OF SPECIAL COMMITTEE

The special committee appointed under the terms of House Floor Resolution No. 89-4601 appeared at the bar of the House and reported that they had notified the Senate that the House was organized and ready to conduct business.

The report was received and the committee was discharged.

MOTION

On motion of Mr. Ebersole, the House advanced to the eleventh order of business.

STANDING COMMITTEE APPOINTMENTS

The Speaker announced the following standing committee appointments:

AGRICULTURE & RURAL DEVELOPMENT: Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Chandler, Doty, Grant, Jesernig, McLean, H. Myers, Rasmussen, Youngsman.

APPROPRIATIONS: Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Braddock, Brekke, Bristow, Brough, Bowman, Dorn, Doty, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang, Wineberry.

CAPITAL FACILITIES & FINANCING: Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Beck, Betzoff, Bowman, Braddock, Bristow, Fraser, Jacobsen, Peery, Wang, Winsley.

COMMERCE & LABOR: Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker, Wolfe.

EDUCATION: Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker, K. Wilson.

ENERGY & UTILITIES: Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Gallagher, Jacobsen, Jesernig, May, R. Meyers, Miller, H. Myers, S. Wilson.

ENVIRONMENTAL AFFAIRS: Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprenkle, Van Luven, Walker.

FINANCIAL INSTITUTIONS & INSURANCE: Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Crane, Day, Dorn, Inslee, P. King, Nutley, Schmidt, K. Wilson, Winsley.

FISHERIES & WILDLIFE: Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Brooks, Bowman, Cole, Haugen, Smith, Spanel, Vekich.

HEALTH CARE: Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Wolfe, Assistant Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprenkle, Vekich.

HIGHER EDUCATION: Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Inslee, Jesernig, Miller, H. Myers, Prince, Rector, Wood.

HOUSING: Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Ballard, Inslee, Padden, Rector, Todd.

HUMAN SERVICES: Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Hargrove, Leonard, Padden, Raiter, Winsley.

JUDICIARY: Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King,

Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Luven, Wineberry.

LOCAL GOVERNMENT: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood, Zellinsky.

NATURAL RESOURCES & PARKS: Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Fuhrman, Hargrove, Raiter, Sayan.

REVENUE: Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Appelwick, Basich, Brumsickle, Fraser, Fuhrman, Grant, Haugen, Morris, Phillips, Rust, Silver, H. Sommers, Van Luven.

RULES: Representatives J. King, Chair; O'Brien, Vice Chair; Ballard, Ranking Republican Member; Brough, Cole, Crane, Ebersole, Fuhrman, Gallagher, Hargrove, Heavey, Hine, P. King, May, R. Meyers, Miller, Prince, Scott, Valle.

STATE GOVERNMENT: Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector, Sayan, Silver.

TRADE & ECONOMIC DEVELOPMENT: Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Raiter, Rasmussen, Rector, Schoon, Tate, Walk, Youngsman.

TRANSPORTATION: Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betrozoff, Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson, Zellinsky.

MESSAGE FROM THE SENATE

January 9, 1989

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4400.

HOUSE CONCURRENT RESOLUTION NO. 4401.

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF SPECIAL COMMITTEE

The special committee appointed under the terms of House Concurrent Resolution No. 4401 appeared at the bar of the House and reported that they had notified the Governor that the Legislature was organized and ready to conduct business.

The report was received and the committee was discharged.

MESSAGE FROM THE SECRETARY OF STATE

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

Mr. Speaker:

We respectfully transmit for your consideration the following bills which have been partially vetoed by the Governor, together with the respective veto messages of the Governor setting forth his objections to the sections or items of each of the bills as required by Article III, section 12, of the Washington State Constitution:

Section 1 of Substitute House Bill No. 1672, the remainder of which has been designated as Chapter 56, Laws of 1988;

Section 22 of Substitute House Bill No. 1271, the remainder of which has been designated as Chapter 143, Laws of 1988;

Section 13 of Engrossed Substitute House Bill No. 1424, the remainder of which has been designated as Chapter 153, Laws of 1988;

Section 1 of Substitute House Bill No. 1429, the remainder of which has been designated as Chapter 154, Laws of 1988;

Section 1 of Substitute House Bill No. 1279, the remainder of which has been designated as Chapter 155, Laws of 1988;

Sections 6 and 7 of Engrossed Substitute House Bill No. 1404, the remainder of which has been designated as Chapter 211, Laws of 1988;

Section 2 of Engrossed House Bill No. 1585, the remainder of which has been designated as Chapter 232, Laws of 1988;

Section 1 of Substitute House Bill No. 752, the remainder of which has been designated as Chapter 266, Laws of 1988;

Sections 7(4) and 10(3) of Engrossed Substitute House Bill No. 1530, the remainder of which has been designated as Chapter 267, Laws of 1988;

Sections 3, 9, 14, and 17 of Substitute House Bill No. 1592, the remainder of which has been designated as Chapter 271, Laws of 1988;

Section 17(1) through (4) of Engrossed Substitute House Bill No. 1465, the remainder of which has been designated as Chapter 275, Laws of 1988;

Sections 1 and 2(2) of Substitute House Bill No. 1673, the remainder of which has been designated as Chapter 280, Laws of 1988;

Section 8 of Substitute House Bill No. 1652, the remainder of which has been designated as Chapter 281, Laws of 1988;

Section 26 of Engrossed Substitute House Bill No. 1701, the remainder of which has been designated as Chapter 283, Laws of 1988;

Section 3 of Substitute House Bill No. 1883, the remainder of which has been designated as Chapter 287, Laws of 1988;

Sections 701(32), 702, and a portion of 202(3) of House Bill No. 1515, the remainder of which has been designated as Chapter 288, Laws of 1988;

Section 306(10) and a portion of section 401(5) of Engrossed Substitute House Bill No. 1312, the remainder of which has been designated as Chapter 289, Laws of 1988;

Section 22(5) of Engrossed House Bill No. 2057, the remainder of which has been designated as Chapter 1, Laws of 1988, First Special Session.

IN TESTIMONY WHEREOF, I have set my hand and affixed the Seal of the State of Washington at Olympia, this 9th day of January, 1989.

(Seal)

Ralph Munro, Secretary of State.

MOTION

On motion of Mr. Heavey, the House adjourned until 10:00 a.m., Wednesday, January 11, 1989.

ALAN THOMPSON, Chief Clerk

JOSEPH E. KING, Speaker

THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, January 11, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Hargrove, who was excused.

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

MESSAGE FROM THE SECRETARY OF STATE

January 9, 1989

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

Mr. Speaker:

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature number 99, originally filed with this office on March 24, 1988. On December 30, 1988, the sponsors of the proposed initiative filed 12,608 signature petition sheets in support of the measure. We have completed our preliminary canvass of these petitions and have determined that they contain 202,872 signatures.

Accordingly, pursuant to the provisions of Article 2, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature number 99 to you at this time. We expect to complete verification of signatures no later than February 7, 1989 and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have set my hand and affixed the Seal of the State of Washington, this 9th day of January, 1989.

(Seal)

RALPH MUNRO, Secretary of State.

INITIATIVE TO THE LEGISLATURE NUMBER 99

AN ACT Relating to elections; providing for a presidential preference primary; amending RCW 29.13.010 and 29.13.020; and creating a new chapter in Title 29 RCW.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The people of the state of Washington declare that:

(1) The current presidential nominating caucus system in Washington state is unnecessarily restrictive of voter participation in that it discriminates against the elderly, the infirm, women, the handicapped, evening workers, and others who are unable to attend caucuses and therefore unable to fully participate in this most important quadrennial event that occurs in our democratic system of government.

(2) It is the intent of this chapter to make the presidential selection process more open and representative of the will of the people of our state.

(3) A presidential primary will afford the maximum opportunity for voter access at regular polling places during the daytime and evening hours convenient to the most people.

(4) This state's participation in the selection of presidential candidates shall be in accordance with the will of the people as expressed in a presidential preference primary.

(5) It is the intent of this chapter, to the maximum extent practicable, to continue to reserve to the political parties the right to conduct their delegate selection as prescribed by party rules insofar as it reflects the will of the people as expressed

in a presidential primary election conducted every four years in the manner described by this chapter.

NEW SECTION. Sec. 2. On the fourth Tuesday in May of each year when a president of the United States is to be nominated and elected, or such other date as may be selected by the secretary of state to advance the concept of a regional primary, a presidential preference primary shall be held at which voters may express their preferences as to who should be the nominee of a major political party for the office of president.

NEW SECTION. Sec. 3. The name of any candidate for a major political party nomination for president of the United States shall be printed on the presidential preference primary ballot of a major political party only:

(1) By direction of the secretary of state, who in the secretary's sole discretion has determined that the candidate's candidacy is generally advocated or is recognized in national news media; or

(2) If members of the political party of the candidate have presented a petition for nomination of the candidate that has attached to the petition a sheet or sheets containing the signatures of at least one thousand registered voters who declare themselves in the petition as being affiliated with the same political party as the presidential candidate. The petition shall be filed with the secretary of state not later than the thirty-ninth day before the presidential preference primary. The signature sheets shall also contain the residence address and name or number of the precinct of each registered voter whose signature appears thereon and shall be certified in the manner prescribed in RCW 29.79.200 and 29.79.210.

The secretary of state shall place the name of the candidate on the ballot unless the candidate, at least thirty-five days before the presidential preference primary, executes and files with the secretary of state an affidavit stating without qualification that he or she is not now and will not become a candidate for the office of president of the United States at the forthcoming presidential election. The secretary of state shall certify the names of all candidates who will appear on the presidential preference primary ballot to the respective county auditors on or before the fourth Tuesday in April of each presidential election year.

NEW SECTION. Sec. 4. The arrangement and form of presidential primary ballots shall be substantially as provided for any primary election within the state except as may be modified by this chapter or by rule of the secretary of state as provided for in section 7 of this act to adequately reflect the intent of this chapter.

A separate ballot shall be prepared for each major political party that has candidates whose names have been authorized for placement on presidential preference primary ballots under section 3 of this act. The names of all candidates for a party's nomination for the office of president shall be listed alphabetically in a column on that party's ballot. There shall be a printed box adjacent to the name of each candidate. A blank space to allow the voter to write in the name of another candidate shall also be included on each ballot.

The ballot, in providing for a choice of candidates for the office of president, shall set forth only those candidates, with their political party affiliation, who have qualified for a place on the ballot under section 3 of this act.

NEW SECTION. Sec. 5. Insofar as is practicable, and where the provisions of this chapter do not specifically indicate otherwise, the presidential preference primary shall be conducted in the same manner as a state partisan primary, including the certification of the election returns by the secretary of state. The requirement of rotation of names on the ballot does not apply to the candidates listed on the presidential preference primary ballot. County auditors may combine and consolidate two or more precincts for the purpose of conducting the presidential preference primary only if precinct vote totals for the primary can still be made available and the consolidation does not require a voter to go to a location different from that of the last regular election.

Each person desiring to vote in the presidential preference primary shall receive a ballot request form on which the voter shall sign his or her name and address and declare the party primary in which he or she wishes to participate. The form, which shall be supplied by the secretary of state, shall be identifiable by precinct, but may not contain any other information about the voter. After completing the form, the voter shall return it to the precinct election worker and shall

receive the appropriate primary ballot. The precinct election worker shall immediately deposit the ballot request form in a sealed container.

Each person requesting an absentee ballot for a presidential preference primary shall complete the same ballot request form in addition to an application for an absentee ballot, whereupon the county auditor shall send the applicant the appropriate absentee ballot. The county auditor shall then deposit the ballot request form in a sealed container and, immediately following the election, combine these requests with those from the rest of the county.

Immediately following the election the county auditor shall combine all ballot request forms into centralized containers as prescribed by rule of the secretary of state. The secretary shall prescribe rules for providing each party central committee a list of the voters who participated in the presidential primary of that party.

The signed ballot request forms shall be maintained in the centralized containers by the county auditor for a period of time as specified by rule of the secretary of state, after which time they shall be destroyed, unless otherwise directed by federal law.

At a presidential preference primary, a voter may cast no more than one vote on a ballot. Any presidential preference primary ballot with more than one vote is void, and notice to this effect, couched in clear, simple language, and printed in large type, shall appear on the face of each presidential preference primary ballot. Where voting machines or electronic voting devices are in use, the notice shall be displayed on or about each machine or device.

NEW SECTION. Sec. 6. (1) The results of the presidential preference primary shall determine the percentage of delegate positions to be allocated to each presidential candidate. Selection of individuals to delegate positions shall be in compliance with applicable state party rules, and to the extent practicable, delegates shall be apportioned among the state's congressional districts. Delegate positions shall be allocated to presidential candidates in the manner specified in subsection (3) of this section except as otherwise provided by national party rules.

(2) All votes cast for a particular presidential candidate in a party's primary shall be considered votes for delegate positions committed to that candidate.

Each candidate for a delegate position who is committed to a particular presidential candidate, before the selection of delegates, shall sign and submit to the appropriate party's state committee the following pledge:

Delegate Pledge

I, do hereby swear that I am a supporter* of for the office of President of the United States; and that if elected as a delegate to the Party National Convention I pledge to cast my ballot as a delegate to the convention for that candidate on the first two ballots unless released by the candidate, and I pledge furthermore to do all that I can to advance the cause of that candidate at the national convention.

(3) Except as otherwise provided by national party rules, delegate positions shall be allocated from the state at-large among presidential candidates who receive at least fifteen percent of the total votes cast for candidates of the same political party, or such other percentage as national party rules may provide. Each candidate so qualified shall be allocated a percentage of delegate positions equal to as nearly as practicable that candidate's percentage of the total votes cast for candidates of the same political party in the presidential preference primary. The votes of candidates who do not receive at least fifteen percent of the total votes cast in their parties' presidential preference primary shall be proportionately allocated to those candidates who did receive fifteen percent or more of the total votes cast in their parties' presidential preference primary.

(4) If any presidential candidate, at any time after the presidential preference primary, formally releases the delegates holding positions committed to him or her under the formula established by subsection (3) of this section, the delegates shall be considered uncommitted. The delegates holding positions committed to a candidate shall be considered formally released when the candidate so notifies, in writing, the chair of his or her party's delegation.

(5) In the event of the death of a candidate to whom delegate positions have been committed, all such positions shall be considered uncommitted.

(6) If no ballot choice on a political party ballot receives fifteen percent or more of the total votes cast, the state committee of the political party shall determine how delegate positions allotted to the state by the national committee shall be committed.

(7) If a vacancy occurs in the position of delegate, the remaining delegates committed to the same preference as the vacating person shall name a person to fill the vacancy.

NEW SECTION. Sec. 7. The secretary of state as chief election officer may make rules in accordance with chapter 34.04 RCW or its statutory successor to facilitate the operation, accomplishment, and purpose of this chapter.

NEW SECTION. Sec. 8. Whenever a presidential preference primary election is held as provided by this chapter, the state of Washington shall assume all costs of holding the election if it is held alone. If any other election or elections are held at the same time, the state is liable only for its prorated share. The county auditor shall determine the election costs, including the state's prorated share, if applicable, and shall file a certified claim therefore with the secretary of state. The secretary of state shall compile such claims for presentation to the next succeeding legislature in the same manner as other legislative relief claims.

Sec. 9. Section 29.13.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 3, Laws of 1980 and RCW 29.13.010 are each amended to read as follows:

All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, district, and precinct officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A state-wide general election shall be held on the first Tuesday after the first Monday of November of each year: PROVIDED, That the state-wide general election held in odd-numbered years shall be limited to (1) city, town, and district general elections as provided for in RCW 29.13.020 as now or hereafter amended, or as otherwise provided by law; (2) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the congress of the United States; (3) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (4) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (5) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate: PROVIDED FURTHER, That this section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer: PROVIDED HOWEVER, That the county legislative authority may, if they deem an emergency to exist, call a special county election by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. A special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:

- (a) The first Tuesday after the first Monday in February;
- (b) The second Tuesday in March(~~except that if a state-wide political party caucus by a major political party is scheduled on the second Tuesday, then a special election may not be held on such date but may be held on the third Tuesday in March~~);
- (c) The first Tuesday after the first Monday in April;
- (d) The ~~(third)~~ fourth Tuesday in May;
- (e) The day of the primary as specified by RCW 29.13.070; or
- (f) The first Tuesday after the first Monday in November.

In addition to the dates set forth in (a) through (f) above, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from failure of a county to pass a special levy for the first time or from fire,

flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution.

Sec. 10. Section 29.13.020, chapter 9, Laws of 1965 as last amended by section 6, chapter 167, Laws of 1986 and RCW 29.13.020 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

- (a) Elections for the recall of any elective public officer;
- (b) Public utility districts or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;
- (c) Consolidation proposals as provided for in RCW 28A.57.180 and nonhigh capital fund aid proposals as provided for in chapter 28A.56 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to him at least forty-five days prior to the proposed election date, may, if he deems an emergency to exist, call a special election in such city, town, or district, and for the purpose of such special election he may combine, unite, or divide precincts. A special election called by such governing body shall be held on one of the following dates as decided by the governing body:

- (a) The first Tuesday after the first Monday in February;
- (b) The second Tuesday in March (~~except that if a state-wide political party caucus by a major political party is scheduled on the second Tuesday, then a special election may not be held on such date but may be held on the third Tuesday in March~~);
- (c) The first Tuesday after the first Monday in April;
- (d) The ~~(third)~~ fourth Tuesday in May;
- (e) The day of the primary election as specified by RCW 29.13.070; or
- (f) The first Tuesday after the first Monday in November.

In addition to (a) through (f) above, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from failure of a school or junior taxing district to pass a special levy or bond issue for the first time or from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in (e) and (f) of this subsection. Such special election shall be conducted and notice thereof given in the manner provided by law.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

NEW SECTION, Sec. 11. Sections 1 through 8 of this act shall constitute a new chapter in Title 29 RCW.

NEW SECTION, Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

The Speaker (Mr. O'Brien presiding) referred Initiative to the Legislature number 99 to Committee on State Government.

EDITOR'S NOTE:

April 28, 1989

Mr. Dennis Cooper
Code Reviser
Legislative Building
Olympia, WA 98504

RE: Corrected Copy of Initiative to the Legislature No. 99, Chapter 4, Laws of 1989.

Dear Mr. Cooper:

When the Legislature enacted Initiative Measure No. 99 at the 1989 Regular Session, it intended to enact the Initiative in the form in which it was refiled by the petitioner with the Secretary of State on April 7, 1988, and subsequently circulated among the voters of the state for their signatures. Apparently, the petitioner, before refiled his proposed Initiative with the Secretary of State, changed the draft that you had previously sent to him. These changes were never officially filed with you or with the Legislature and were, therefore, not incorporated into the Legislature's computer file.

In particular, the petitioner's filing indicates deletion of language beginning with "The form," on page 3, line 34, and continuing through "of state," on page 4, line 4. Please correct the text of Initiative No. 99 so that it matches the petitioner's filing and can be certified to the Secretary of State as the corrected copy of the Enrolled Enactment of Chapter 4, Laws of 1989.

Sincerely,
ALAN THOMPSON
Chief Clerk
House of Representatives.

MESSAGE FROM THE SECRETARY OF STATE

January 9, 1989

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

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature number 102, originally filed with this office on June 24, 1988. On December 30, 1988, the sponsors of the proposed initiative filed 13,496 signature petition sheets in support of the measure. We have completed our preliminary canvass of these petitions and have determined that they contain 217,143 signatures.

Accordingly, pursuant to the provisions of Article 2, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature number 102 to you at this time. We expect to complete verification of signatures no later than January 20, 1989 and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have set my hand and affixed the Seal of the State of Washington, this 9th day of January, 1989.

(Seal)

RALPH MUNRO, Secretary of State.

INITIATIVE TO THE LEGISLATURE NUMBER 102

AN ACT Relating to children, youth, and family programs and education programs; adding a new chapter to Title 74 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; making an appropriation; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 13. DECLARATION OF PUBLIC POLICY. The purpose of this chapter, to be known as the children's initiative act, is to increase our state's commitment to addressing the needs of children for prevention, early detection, and treatment of abuse and neglect, for adequate nutrition and support, for access to necessary health care, for treatment of developmental disabilities, mental illness, and substance abuse, for affordable child care, for necessary social services, for a

high quality education from early childhood through the twelfth grade, and for other services essential for their survival and well-being. It is the further purpose of this chapter to address these needs in an efficient and effective manner which minimizes administrative costs.

NEW SECTION. Sec. 14. CHILDREN'S INITIATIVE FUND. (1) There is created in the state treasury a fund to be known as the children's initiative fund.

(2) The children's initiative fund shall consist of the following two accounts:

- (a) The children's services and support account; and
- (b) The K-12 education account.

(3) Of the moneys deposited in the children's initiative fund, fifty percent shall be credited to the children's service and support account and fifty percent shall be credited to the K-12 education account.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the children's initiative fund may be spent only after appropriation by statute.

(5) All earnings from investment of balances in the children's initiative fund, except as provided in RCW 43.84.090, shall be deposited in the children's initiative fund.

NEW SECTION. Sec. 15. LIMITATION OF USES OF CHILDREN'S INITIATIVE FUND MONEYS. (1) Moneys in the children's services and support account of the children's initiative fund may be appropriated by the legislature only to the department of social and health services, the department of community development, and other state agencies that provide services and support for children and their families for the following programs and purposes:

- (a) Prevention and early intervention services;
- (b) Services for abused and neglected children;
- (c) Maternal and child health services;
- (d) Early childhood education;
- (e) Child care;
- (f) Family support services;
- (g) Out-of-home placements;
- (h) Children's mental health services;
- (i) Developmental disabilities services;
- (j) Prevention and treatment of substance abuse;
- (k) Juvenile rehabilitation;
- (l) The women, infant, and children nutrition program;
- (m) Emergency services for homeless children;

(n) Increasing the availability of prenatal, delivery, and postnatal care for pregnant women and infants and the availability of health care for children;

(o) Increasing the payment standard for aid to families with dependent children; and

(p) Other programs that promote the health, protection, welfare, and education of children and their families, including the children's initiative fund oversight committee, except for programs eligible for funding under subsection (2) of this section.

(2) Moneys in the K-12 education account of the children's initiative fund may be appropriated by the legislature only to the superintendent of public instruction for the following common schools programs and purposes:

- (a) Reducing class sizes, especially in elementary grades;
- (b) Basic skills learning assistance programs;
- (c) Programs for handicapped children;
- (d) Programs for at-risk children and children from economically disadvantaged and minority backgrounds;

(e) In-service training for instructional staff; and

(f) Other programs and purposes which promote high quality education for children in kindergarten through the twelfth grade, including the children's initiative fund oversight committee.

Funds appropriated from the K-12 education account shall not be considered levy reduction funds as defined in RCW 84.52.0531(7).

NEW SECTION, Sec. 16. LIMITATION ON USE OF CHILDREN'S SERVICE AND SUPPORT ACCOUNT FUNDS IN THE BIENNIUM ENDING JUNE 30, 1991. From the children's service and support account of the children's initiative fund, there is appropriated \$50,000,000, or so much thereof as may be necessary, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, to the department of social and health services, not more than \$25,000,000 of which is to be used to increase the payment standard for aid to families with dependent children by eight percent over the level of such payment standard as of July 1, 1988, which increase shall be added to any other increases in the payment standard in the biennium ending June 30, 1991, and, to the extent of the remaining available funds from this appropriation, to increase the availability of prenatal, delivery, and postnatal care for pregnant women and infants up to one year of age, and the availability of health care for children up to eight years of age, by expanding eligibility for medical assistance for categorically needy pregnant women and infants up to one year of age, and for children up to eight years of age, to the highest income and age levels for which federal financial participation is available under Title XIX of the federal social security act.

NEW SECTION, Sec. 17. INTENT TO PROHIBIT SUPPLANTING OF CURRENT PROGRAM FUNDING. Moneys may be appropriated from the children's initiative fund only to provide support and services in addition to such support and services as would be provided if the support and service levels of the programs eligible for funds from the children's initiative fund for the biennium ending June 30, 1989, adjusted in future biennia to reflect the impact of population change and inflation in the state, were fully funded in the biennium ending June 30, 1991, and in subsequent biennia. Nothing in this chapter shall prohibit additional funding from other sources of the agencies, programs, and purposes eligible for funds under this chapter.

NEW SECTION, Sec. 18. CHILDREN'S INITIATIVE FUND OVERSIGHT COMMITTEE. (1) To assist the governor and the legislature in determining which programs and purposes should be supported with appropriations from the children's initiative fund and whether children's initiative fund moneys are being spent in an efficient and effective manner that minimizes administrative costs, an oversight committee, to be known as the children's initiative fund oversight committee, is established. The committee shall have the authority to analyze the current and emerging needs of children in the state and to review and evaluate the efficiency and effectiveness of programs supported by the children's initiative fund in meeting these needs.

(2) All agency reports concerning program performance, including administrative review, quality control, and other internal audit or performance reports, which are requested by the committee, shall be furnished by the agency requested to provide such report.

(3) The committee shall annually report to the governor and the legislature. The committee's annual report shall include findings and recommendations on matters relating to the committee's purposes as defined in this section.

(4) The committee shall consist of fifteen members. Eleven of the members shall be appointed by the governor, six of whom shall be experienced authorities on the programs eligible for funding by the children's initiative fund and five of whom shall be representatives of the general public. One member of the committee shall be selected by the two largest political caucuses in each house of the state legislature. The chair of the committee shall be designated by the governor from among the representatives of the general public.

(5) The initial members shall be appointed within sixty days of the effective date of this section. Of the initial members, four nonlegislative members and one legislative member shall be appointed for three years, four nonlegislative members and two legislative members shall be appointed for two years, and three nonlegislative members and one legislative member shall be appointed for one year. A legislative member shall serve as long as he or she is a member of the caucus from which he or she was appointed. Successors to the initial members shall serve for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term. Vacancies shall be filled within sixty days of their occurrence.

(6) Nonlegislative members of the committee shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed pursuant to RCW 44.04.120.

NEW SECTION. Sec. 19. INTENT ON SOURCE OF MONEYS FOR CHILDREN'S INITIATIVE FUND. (1) It is the intent of this chapter that the raising of revenues for the purposes of this chapter, as well as the raising of revenues for all other purposes of state government, shall be done in a fashion which fairly and equitably distributes the burdens of taxation among the state's taxpayers, protects those with the lowest incomes, promotes business development and economic growth in the state, and assures a stable funding base for state services that is sufficient to meet the needs of state government, including the purposes of this chapter. No cause of action may lie to enforce this subsection.

(2) The source of moneys for the children's initiative fund shall be new or increased taxes, which means one or more of the following:

- (a) An increase in the rate of any tax which was in effect as of July 1, 1988;
- (b) An increase in the base of any tax which was in effect as of July 1, 1988; or
- (c) Any tax which was not in effect as of July 1, 1988.

Funding from sources other than the children's initiative fund for the activities of state government, including those eligible for support from the children's initiative fund, shall not be reduced in order to provide moneys for the children's initiative fund.

(3) The tax increases specified in sections 8 and 9 of this act are imposed only for the purpose of making this chapter legally enforceable in the event the legislature fails to impose new or increased taxes which meet the specifications of subsection (1) of this section in order to provide sufficient moneys for the purposes of this chapter. It is the intent of this chapter that if the tax increases specified in sections 8 and 9 of this act are imposed, such increases will be repealed as soon as possible and replaced with taxes that meet the specifications of subsection (1) of this section, and that provide support for the children's initiative fund comparable to that provided by the tax increases imposed in sections 8 and 9 of this act.

NEW SECTION. Sec. 20. ALTERNATIVE ADDITIONAL TAX. A new section is added to chapter 82.08 RCW to read as follows:

Prior to June 1, 1990, if new or increased taxes sufficient to generate at least \$360,000,000 during the fiscal year beginning July 1, 1990, and ending June 30, 1991, have not been imposed and if at least \$360,000,000 of the proceeds of such new or increased taxes have not been directed to be deposited in the children's initiative fund during such fiscal year, there is levied and shall be collected, as of June 1, 1990, an additional tax on each retail sale in this state equal to nine-tenths of one percent of the selling price. The moneys collected as a result of the increases specified in this section shall be deposited in the general fund for transfer to the children's initiative fund.

NEW SECTION. Sec. 21. ALTERNATIVE ADDITIONAL TAX. A new section is added to chapter 82.12 RCW to read as follows:

Prior to June 1, 1990, if new or increased taxes sufficient to generate at least \$360,000,000 during the fiscal year beginning July 1, 1990, and ending June 30, 1991, have not been imposed and if at least \$360,000,000 of the proceeds of such new or increased taxes have not been directed to be deposited in the children's initiative fund during such fiscal year, there is levied and shall be collected, as of June 1, 1990, an additional tax on each use by any person of property subject to tax under RCW 82.12.020 equal to nine-tenths of one percent of the value of the article used by the taxpayer. For purposes of computing the tax under this chapter, the rate of this additional tax shall be added to the rate in effect for the retail sales tax under RCW 82.08.020, in the county in which the article is used. The moneys collected as a result of the increase specified in this section shall be deposited in the general fund for transfer to the children's initiative fund.

NEW SECTION. Sec. 22. IMPLEMENTATION OF INCREASED TAXES. The director of revenue shall immediately take all necessary steps, within the authority granted to the director under RCW 82.01.060, to ensure that any new or increased taxes imposed to carry out the purposes of this act are assessed and collected on the applicable effective date of such tax increases.

NEW SECTION. Sec. 23. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. CONSTRUCTION. The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act. In the event of conflict between the provisions of this act and any other act, the provisions of this act shall govern.

NEW SECTION. Sec. 25. CAPTIONS. As used in this act, captions constitute no part of the law.

NEW SECTION. Sec. 26. SHORT TITLE. This act shall be known as the children's initiative act.

NEW SECTION. Sec. 27. LEGISLATIVE DIRECTIVE. Sections 1 through 3 and 5 through 7 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 28. EFFECTIVE DATE. This act shall take effect June 1, 1990.

The Speaker (Mr. O'Brien presiding) referred Initiative to the Legislature number 102 to Committee on Human Services.

INTRODUCTIONS AND FIRST READING

HB 1008 by Representatives Ferguson, Winsley, Haugen, May, Rayburn and P. King

AN ACT Relating to local improvement districts; adding a new section to chapter 39.46 RCW; and adding a new chapter to Title 39 RCW.

Referred to Committees on Local Government/Capital Facilities & Financing.

HB 1023 by Representatives H. Sommers, Silver, R. Fisher, Sayan, Winsley, P. King and D. Sommers

AN ACT Relating to state personnel administration; and reenacting and amending RCW 41.06.150.

Referred to Committees on State Government/Appropriations.

HB 1024 by Representatives Appelwick, Padden, Wineberry, Locke, O'Brien, Zellinsky, Heavey, R. King, Anderson, Wolfe, Moyer, Ballard, Wang, S. Wilson, Pruitt, Sprenkle, Jesernig, Valle, Inslee, Tate, Winsley, P. King, Walker, Brough, Dellwo, Rector, Cooper, Jones, Todd, H. Myers, Patrick, Jacobsen, Kremen, Van Luven, D. Sommers, R. Fisher, Gallagher, Crane, Miller, Morris, Fraser, Schmidt, Silver, Phillips, Rasmussen, Scott, Cole, K. Wilson, Spanel and Bowman; by request of Department of Corrections

AN ACT Relating to victims/witness enhancement; and amending RCW 9.94A.155 and 9.94A.156.

Referred to Committee on Judiciary.

HB 1025 by Representatives R. King, Sayan, S. Wilson, Haugen, Basich and Spanel; by request of Department of Fisheries

AN ACT Relating to commercial fishing licenses; amending RCW 75.28.020 and 75.28.095; and repealing RCW 75.28.081, 75.28.123, and 75.28.370.

Referred to Committee on Fisheries & Wildlife.

HB 1026 by Representatives Spanel, R. King, S. Wilson, Haugen, Nelson, Brekke and K. Wilson; by request of Department of Fisheries

AN ACT Relating to commercial sea urchin fishing; amending RCW 75.30.050; adding a new section to chapter 75.30 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Fisheries & Wildlife.

HB 1027 by Representatives R. King, Sayan, S. Wilson, Haugen, Basich and Spanel; by request of Department of Fisheries

AN ACT Relating to administration of the fisheries code; and amending RCW 75.08-.070 and 75.40.060.

Referred to Committee on Fisheries & Wildlife.

HB 1028 by Representatives R. King, S. Wilson, Haugen, Spanel and Rasmussen; by request of Department of Fisheries

AN ACT Relating to recreational fishing licenses; amending RCW 75.25.015, 75.25.040, 75.25.080, 75.25.090, 75.25.100, 75.25.110, 75.25.120, 75.25.130, 75.25.140, 75.25.150, 75.25.160, and 75.25.170; adding new sections to chapter 75.25 RCW; repealing RCW 75.25.020 and 75.25.125; and providing an effective date.

Referred to Committee on Fisheries & Wildlife.

HB 1029 by Representatives Brekke, Silver, Holland, Fuhrman, H. Sommers, Sayan, O'Brien, Leonard, R. King, Ballard, Anderson, Jesernig, Winsley, P. King, Schoon, Rector, Cooper, Jones, H. Myers, Wineberry, Patrick, Kremen, Gallagher, Miller, Locke, Phillips, Bristow and K. Wilson; by request of Legislative Budget Committee

AN ACT Relating to prevention of child abuse and neglect; and amending RCW 36.18.010, 43.131.319, and 43.131.320.

Referred to Committee on Human Services.

HB 1030 by Representatives Brekke, Silver, Fuhrman, Sayan, Heavey and Betrozoff; by request of Legislative Budget Committee

AN ACT Relating to information contained in the governor's budget document; and amending RCW 43.88.030.

Referred to Committee on Capital Facilities & Financing.

HB 1031 by Representatives Fuhrman, Sayan, Silver, Holland, Heavey, Winsley and Betrozoff; by request of Legislative Budget Committee

AN ACT Relating to state budget requests; amending RCW 43.88.030; and adding new sections to chapter 43.88 RCW.

Referred to Committee on Capital Facilities & Financing.

HB 1032 by Representatives Holland, H. Sommers, Fuhrman, Sayan, Heavey and Betrozoff; by request of Legislative Budget Committee

AN ACT Relating to state general obligation bonds; amending RCW 43.83A.020, 43.83A.070, 43.99E.015, 43.99E.035, 43.99F.020, 43.99F.060, 75.48.020, and 75.48.060; creating a new section; and declaring an emergency.

Referred to Committee on Capital Facilities & Financing.

HB 1033 by Representatives H. Sommers, Fuhrman, Brekke, Silver and Sayan; by request of Legislative Budget Committee

AN ACT Relating to approval of legislative budget committee vouchers; and amending RCW 44.28.050.

Referred to Committee on State Government.

HB 1034 by Representatives Wang, Dellwo, R. King, P. King, Patrick, Brekke, Miller and Phillips; by request of Statute Law Committee

AN ACT Relating to eliminating gender-specific language; and amending RCW 7.68.010, 7.68.070, 19.29.010, 28B.20.450, 28B.20.454, 39.12.010, 39.12.020, 39.12.021, 39.12.030, 39.12.060, 39.12.042, 39.28.020, 41.26.270, 43.22.210, 49.24.270, 49.52.030, 51.36.060, 59.18.150, 70.89.050, 78.40.181, 78.40.262, 78.40.345, 78.40.405, 78.40.672, 78.40.693, 78.40.741, 78.40.783, and 78.40.786.

Referred to Committee on Judiciary.

HB 1035 by Representatives Haugen, S. Wilson, Anderson, May, McLean, Winsley, Wineberry and Morris

AN ACT Relating to precinct election officers; and amending RCW 29.45.010.

Referred to Committee on State Government.

HB 1036 by Representatives Haugen, S. Wilson, Rayburn, Winsley, May, Smith, Chandler and Schoon

AN ACT Relating to water wells; and amending RCW 18.104.040 and 43.20.050.

Referred to Committee on Environmental Affairs.

HB 1037 by Representatives Haugen, S. Wilson, R. King, May, Zellinsky, Basich, Leonard, P. King, Jones and Gallagher

AN ACT Relating to marine fish research; amending RCW 75.28.095; adding a new section to chapter 75.25 RCW; adding a new section to chapter 75.28 RCW; adding a new chapter to Title 75 RCW; making an appropriation; providing an effective date; and providing an expiration date.

Referred to Committee on Fisheries & Wildlife.

HB 1038 by Representatives Haugen, S. Wilson, Cooper, May, Leonard, Horn, Nutley, Ferguson, Jones and D. Sommers

AN ACT Relating to meetings of boards of county commissioners; and amending RCW 36.32.080 and 36.32.090.

Referred to Committee on Local Government.

HB 1039 by Representatives Haugen, S. Wilson, R. King, May, Zellinsky, Spanel, Horn, Jones, Leonard, Heavey, P. King and Phillips

AN ACT Relating to information for boaters; and amending RCW 88.02.050.

Referred to Committee on Natural Resources & Parks.

HB 1040 by Representatives Haugen, S. Wilson, R. King, May, Zellinsky, Spanel, Leonard and Jones

AN ACT Relating to the loss of nets in the aquatic environment; adding new sections to chapter 75.28 RCW; creating new sections; making an appropriation; and providing an effective date.

Referred to Committee on Fisheries & Wildlife.

HB 1041 by Representatives Baugher, Inslee, Dellwo, Todd, Rayburn, Crane, Zellinsky, Jones, Nelson, Grant, Gallagher, R. King, Hine, Sayan, Padden, Walker, Ballard, Silver, May, Brooks, McLean, Dorn, Fuhrman, S. Wilson, Smith, Sprengle, Jesernig, Winsley, P. King, R. Meyers, Brough, Chandler, Schoon, Rector, Wineberry, Patrick, Jacobsen, Kremen, Van Luven, D. Sommers, Betrozoff, Schmidt, Rasmussen, K. Wilson and Spanel

AN ACT Relating to penalties for operation of a motor vehicle without insurance; amending RCW 46.52.030, 46.61.020, and 46.61.021; adding a new chapter to Title 46 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1042 by Representatives G. Fisher, Baugher, Schmidt, R. Meyers, Hankins, Winsley and Gallagher; by request of Washington State Patrol

AN ACT Relating to front wheel brakes and air brakes on commercial motor vehicles; and amending RCW 46.37.340.

Referred to Committee on Transportation.

HB 1043 by Representatives Inslee, R. Meyers, Schmidt, Heavey, Baugher, Rayburn, Ballard, Winsley, P. King, Gallagher and Phillips; by request of Washington State Patrol

AN ACT Relating to unclaimed property in hands of the Washington state patrol; amending RCW 9.41.098; and adding a new chapter to Title 63 RCW.

Referred to Committee on Judiciary.

HB 1044 by Representatives Inslee, Schmidt, R. Meyers, Heavey, Baugher, Rayburn, Winsley, P. King, Wineberry, Patrick and Gallagher; by request of Washington State Patrol

AN ACT Relating to child and adult abuse information; and amending RCW 43.43-.830, 43.43.832, 43.43.834, and 43.43.838.

Referred to Committee on Judiciary.

HB 1045 by Representatives Wang, Vekich and P. King

AN ACT Relating to improvements in the administration of the alcoholic beverage control title; amending RCW 66.04.010, 66.08.180, 66.16.040, 66.24.010, and 66.32.090; adding a new section to chapter 66.24 RCW; and repealing RCW 66.28.130 and 66.44.210.

Referred to Committees on Commerce & Labor/Revenue.

HB 1046 by Representatives Haugen, S. Wilson, Fuhrman, Schoon and McLean

AN ACT Relating to the ecological commission; and repealing RCW 43.21A.170, 43.21A.180, 43.21A.190, 43.21A.200, and 43.21A.210.

Referred to Committee on State Government.

HB 1047 by Representatives R. Meyers, Schmidt, Inslee and P. King

AN ACT Relating to secured transactions under the uniform commercial code; and amending RCW 62A.9-203, 62A.9-312, and 62A.9-402.

Referred to Committee on Judiciary.

HB 1048 by Representatives Wang, Vekich and Patrick; by request of Statute Law Committee

AN ACT Relating to technical improvements to the alcoholic beverage control title; amending RCW 66.04.010, 66.08.014, 66.08.180, 66.20.160, 66.24.010, 66.24.481, and 66.44.240; adding new sections to chapter 66.24 RCW; creating a new section; repealing RCW 66.04.011, 66.08.230, 66.20.170, 66.20.180, 66.20.190, 66.20.200, 66.20.210, and 66.44.250; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1049 by Representatives Locke, Inslee, Appelwick, P. King and Wineberry

AN ACT Relating to the private practice of law by prosecuting attorneys; and amending RCW 36.27.060.

Referred to Committee on Judiciary.

HB 1050 by Representatives Locke, Nutley and Wineberry

AN ACT Relating to housing authorities; amending RCW 35.82.210 and 39.04.010; and adding a new section to chapter 35.82 RCW.

Referred to Committee on Housing.

HJM 4000 by Representatives Nelson, Hankins, Rust, Fuhrman, Jesernig, Schoon, Miller and Gallagher

Memorializing Hanford as a national energy center.

Referred to Committee on Energy & Utilities.

HJR 4200 by Representatives Haugen, Ferguson, Winsley, May, Rayburn, P. King, Cooper and Jones

Amending the Constitution to provide an alternative method for the framing of a county charter.

Referred to Committee on Local Government.

MOTION

On motion of Mr. Ebersole, the bills, memorial and resolution listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees so designated.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 11:45 a.m.

The Speaker called the House to order at 11:45 a.m.

JOINT SESSION

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

The Speaker instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor John L. Cherberg, Majority Leader Jeannette Hayner and Democratic Leader Larry Vognild to seats on the rostrum.

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

The Speaker presented the gavel to President Cherberg.

REMARKS BY THE SPEAKER

The Speaker: It is indeed a pleasure for me, Governor Cherberg, to turn this gavel over to you to preside over this Joint Session. As always, you dignify this body with your grace and eloquence.

The Secretary of the Senate called the roll of the Senate and all members were present.

The Clerk of the House called the roll of the House and all members were present except Representative Hargrove, who was excused.

The President of the Senate appointed Senators McMullen, Murray, McDonald and Amondson and Representatives Baugher, Spanel, Patrick and Smith as a special committee to advise His Excellency, Governor Booth Gardner, that the Joint Session had assembled and to escort him and Mrs. Gardner from the State Reception Room to seats on the rostrum of the House.

The President appointed Senators Fleming, Sutherland, Anderson and Thorsness and Representatives Braddock, Cooper, H. Sommers, Padden and Schmidt as a special committee to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

The President appointed Senators Kreidler, Owen, Bailey and von Reichbauer and Representatives Bristow, Scott and Holland as a special committee to escort the State Elected Officials from the State Reception Room to seats within the House Chamber.

The President appointed Senator West and Representatives Day and Fuhrman as a special committee to escort the Congressional Delegation from the State Reception Room to seats within the House Chamber.

The President appointed Senators Gaspard and Johnson and Representatives Crane and Winsley as a special committee to escort Dr. Frank B. Brouillet and Mr. Robert S. O'Brien from the State Reception Room to seats within the House Chamber.

The President introduced the Supreme Court Justices, the State Elected Officials, the Congressional Delegation, Dr. Frank B. Brouillet and Mr. Robert S. O'Brien.

The President of the Senate introduced Governor and Mrs. Booth Gardner and members of the Governor's family including Mr. Norton Clapp, Mr. Bill Clapp, Mr. Doug Gardner, Mr. and Mrs. John Nettleton, Mr. Max Davison and Ms. Joan Blethen.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Darcy Bristow and Michael Hasenstab. Prayer was offered by Dr. Dale Turner, retired Minister of the University Congregational Church of Seattle:

Eternal God, hear our prayer of gratitude for the high purpose that brings us to this place and for the excitement and promise of new beginnings. We praise You for our state and for all who have served in a century gone by to lay the firm foundation upon which we now may build. Teach us, O God, the proper uses of the past that we may better serve in the present and more wisely plan for the future. We thank You for the humor we have here experienced lending perspective to all that we do.

O God, in these tumultuous days when the issues of tomorrow weigh upon the decisions of today, we pray Your guidance with Governor Gardner and all who will share leadership with him. Grant to them humility without timidity, competence without arrogance, and may they exercise authority without being authoritarian. May they be just in the exercise of power, reverent in the use of freedom, and generous in the protection of weakness. Help us all to play a constructive part in the life of our time. We thank You for the good that we can do together that no one of us can do alone. Keep us from falling into moaning about how bad the world is and help us to work for the good it was intended to be. Nag us continually about our priorities until what matters most to You is what matters most to us. Make keen

our minds to distinguish between what is really true and what is merely the defense of our own position. And, in love of truth, let us not be content to wait and see what will happen, but let us make the right things happen. Comfort us when we are overcome by affliction and afflict us with the pain of loving involvement when we are overcome by comfort. May we be mature in our actions, childlike but never childish, humble but never cringing, understanding but never conceited, always free from bitterness, self pity or despair.

And so, Eternal God, help us to be among the honorable company of citizens who lift our society and do not lean upon it and thus make it a better and a brighter society because we dwell within it. And may the just and peaceful world for which we all yearn be built upon the cornerstone of a strong and friendly state. To this end we all dedicate ourselves this day. Amen.

The National Anthem was sung by Jan Stentz.

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

MESSAGE FROM THE SECRETARY OF STATE

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

I, Ralph Munro, Secretary of State of the State of Washington, hereby certify that the following is a full, true, and correct abstract of the votes cast at the State General Election held on the eighth day of November 1988, as canvassed from the returns received from the county auditors of the thirty-nine counties of the state for statewide measures, for federal and statewide offices and for offices in joint-judicial and joint-legislative districts.

INITIATIVE MEASURE 518

"Shall the state minimum wage increase from \$2.30 to \$3.85 (January 1, 1989) and then to \$4.25 (January 1, 1990) and include agricultural workers?"

Yes	1,354,454
No	414,926

INITIATIVE MEASURE 97

"Shall a hazardous waste cleanup program, partially funded by a 7/10 of 1% tax on hazardous substances, be enacted?"

AND

ALTERNATIVE MEASURE 97B

"Shall the legislature's cleanup program with 0.8% hazardous substance tax raising less money with less coverage of petroleum, be retained?"

FOR EITHER Initiative 97 or Alternative 97B	1,307,638
AGAINST BOTH Initiative 97 and Alternative 97B	224,486
PREFER Initiative 97	860,835
PREFER Alternative 97B	676,469

HOUSE JOINT RESOLUTION 4222

"Shall the legislature's authority to exempt from tax \$300 of a family head's personal property value be increased to \$3,000?"

Yes	1,299,696
No	352,807

HOUSE JOINT RESOLUTION 4223

"Shall the constitutional authority for public utilities to assist residential energy conservation continue and extend to other structures and equipment?"

Yes	1,248,183
No	379,153

HOUSE JOINT RESOLUTION 4231

"Shall references in the State Constitution to "idiots, insane, dumb, and defective youth" be removed and new language be added?"

Yes	1,354,529
No	310,114

PRESIDENT/VICE PRESIDENT OF THE UNITED STATES

Bush/Quayle (R)	903,835
Dukakis/Bentsen (D)	933,516
Holmes/La Riva (Workers World)	1,440
Warren/Mickells (Socialist Workers)	1,290
Fulani/Burke (New Alliance)	3,520
Paul/Marrou (Libertarian)	17,240
LaRouche/Freeman (Independent)	4,412

UNITED STATES SENATOR

Gorton (R)	944,359
Lowry (D)	904,183

U.S. REPRESENTATIVE, 1st District

Miller (R)	152,265
Lindquist (D)	122,646

U.S. REPRESENTATIVE, 2nd District

Swift (D)	175,191
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U.S. REPRESENTATIVE, 3rd District

Wight (R)	108,794
Unsoeld (D)	109,412

U.S. REPRESENTATIVE, 4th District

Morrison (R)	142,938
Golob (D)	48,850

U.S. REPRESENTATIVE, 5th District

Derby (R)	49,657
Foley (D)	160,654

U.S. REPRESENTATIVE, 6th District

Cook (R)	60,346
Dicks (D)	125,904

U.S. REPRESENTATIVE, 7th District

Edwards (R)	53,902
McDermott (D)	173,809

U.S. REPRESENTATIVE, 8th District

Chandler (R)	174,941
Kean (D)	71,920

GOVERNOR

Williams (R)	708,481
Gardner (D)	1,166,448

LIEUTENANT GOVERNOR

Pritchard (R)	960,655
Fleming (D)	839,593

SECRETARY OF STATE

Munro (R)	1,096,057
McKee (D)	653,047

STATE TREASURER

McLauchlan (R)	839,876
Grimm (D)	915,225

STATE AUDITOR

Reed (R)	770,457
Graham (D)	958,206

ATTORNEY GENERAL

Eikenberry (R)	1,103,237
Erleben (D)	686,152

COMMISSIONER OF PUBLIC LANDS

Boyle (R)	853,421
Murphy (D)	810,658
Simmons (New Alliance)	60,720

INSURANCE COMMISSIONER

Marquardt (R)	977,079
Rainwater (D)	752,770

SUPERINTENDENT OF PUBLIC INSTRUCTION

Heck (Nonpartisan)	813,784
Billings (Nonpartisan)	831,530

STATE SUPREME COURT, Position 1

Brachtenbach (Nonpartisan)	1,055,491
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STATE SUPREME COURT, Position 2

Pearson (Nonpartisan)	1,040,681
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STATE SUPREME COURT, Position 3

Andersen (Nonpartisan)	1,042,452
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STATE SUPREME COURT, Position 4

Smith (Nonpartisan)	1,045,849
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COURT OF APPEALS, Division 1, District 3
(Island, San Juan, Skagit, Whatcom)

Forrest (Nonpartisan)	73,002
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COURT OF APPEALS, Division 2, District 3
(Clark, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum)

Reed (Nonpartisan)	88,979
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COURT OF APPEALS, Division 3, District 1
(Spokane, Stevens, Ferry, Lincoln, Okanogan, Pend Oreille)

Shields (Nonpartisan)	129,620
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SUPERIOR COURT, Benton-Franklin, Position 1

Yule (Nonpartisan)	36,842
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SUPERIOR COURT, Benton-Franklin, Position 2

Staples (Nonpartisan)	37,262
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SUPERIOR COURT, Benton-Franklin, Position 3

Yencopal (Nonpartisan)	38,298
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SUPERIOR COURT, Benton-Franklin, Position 4

Brown (Nonpartisan)	26,868
Felsted (Nonpartisan)	23,385

SUPERIOR COURT, Benton-Franklin, Position 5	
Taber (Nonpartisan)	35,557
SUPERIOR COURT, Chelan-Douglas, Position 1	
Cone (Nonpartisan)	18,714
SUPERIOR COURT, Chelan-Douglas, Position 2	
VanSickle (Nonpartisan)	18,745
SUPERIOR COURT, Ferry-Pend Oreille-Stevens Position 1	
Stewart (Nonpartisan)	10,082
SUPERIOR COURT, Ferry-Pend Oreille-Stevens Position 2	
Kristianson (Nonpartisan)	10,507
SUPERIOR COURT, Island-San Juan, Position 1	
Hancock (Nonpartisan)	14,907
Thiele (Nonpartisan)	7,668
SUPERIOR COURT, Island-San Juan, Position 2	
Pitt (Nonpartisan)	15,827
SUPERIOR COURT, Klickitat-Skamania, Position 1	
Kolbaba (Nonpartisan)	6,342
SUPERIOR COURT, Pacific-Wahkiakum, Position 1	
Glenn (Nonpartisan)	4,286
Penoyar (Nonpartisan)	5,353
STATE SENATOR, 1st District	
Kiskaddon (R)	20,480
Murray (D)	22,948
STATE REPRESENTATIVE, 1st District, Position 1	
Fox (R)	17,332
Rust (D)	25,545
STATE REPRESENTATIVE, 1st District, Position 2	
Vasko (R)	18,570
Cole (D)	24,271
STATE SENATOR, 2nd District	
McDaniel (R)	10,072
Madsen (D)	12,734
STATE REPRESENTATIVE, 2nd District, Position 1	
Aemisegger (R)	6,925
Rasmussen (D)	15,257
STATE REPRESENTATIVE, 2nd District, Position 2	
Gustafson (R)	9,685
Dorn (D)	12,884
STATE REPRESENTATIVE, 7th District, Position 1	
Fuhrman (R)	19,488
Gray (D)	13,999
STATE REPRESENTATIVE, 7th District, Position 2	
McClanahan (R)	13,744
Bristow (D)	18,993

STATE SENATOR, 9th District

Patterson (R)	18,309
Baillie (D)	12,618

STATE REPRESENTATIVE, 9th District, Position 1

Nealey (R)	18,257
Moore (D)	12,182

STATE REPRESENTATIVE, 9th District, Position 2

Prince (R)	24,277
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STATE SENATOR, 10th District

Metcalfe (R)	22,113
Wilson (D)	17,613

STATE REPRESENTATIVE, 10th District, Position 1

Wilson (R)	23,185
Wagner (D)	15,218

STATE REPRESENTATIVE, 10th District, Position 2

Dillard (R)	13,060
Haugen (D)	25,579

STATE SENATOR, 12th District

Sellar (R)	23,312
Detering (D)	11,159

STATE REPRESENTATIVE, 12th District, Position 1

Baillard (R)	23,923
Manners (D)	10,793

STATE REPRESENTATIVE, 12th District, Position 2

McLean (R)	19,825
Reynaud (D)	15,130

STATE REPRESENTATIVE, 13th District, Position 1

Chandler (R)	17,586
Buche (D)	13,344

STATE REPRESENTATIVE, 13th District, Position 2

Smith (R)	19,118
Leininger (D)	10,758

STATE REPRESENTATIVE, 15th District, Position 1

Lisk (R)	8,912
Rayburn (D)	13,485

STATE REPRESENTATIVE, 15th District, Position 2

Clark (R)	8,986
Baugher (D)	13,262

STATE SENATOR, 16th District

Hayner (R)	23,528
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STATE REPRESENTATIVE, 16th District, Position 1

Brooks (R)	22,173
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STATE REPRESENTATIVE, 16th District, Position 2

Martonick (R)	10,160
Grant (D)	18,776

STATE SENATOR, 17th District

Rohrbacher (R)	16,202
Sutherland (D)	16,355

STATE REPRESENTATIVE, 17th District, Position 1

Peery (R)	25,118
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STATE REPRESENTATIVE, 17th District, Position 2

Doney (R)	12,117
Myers (D)	19,439

STATE SENATOR, 18th District

Smith (R)	20,884
Siipola (D)	13,399

STATE REPRESENTATIVE, 18th District, Position 1

Spreadborough (R)	12,557
Morris (D)	20,305

STATE REPRESENTATIVE, 18th District, Position 2

Potter (R)	14,340
Cooper (D)	18,823

STATE SENATOR, 19th District

Leber (R)	11,041
DeJarnatt (D)	20,283

STATE REPRESENTATIVE, District 19A

Morrill (R)	7,085
Raiter (D)	8,721

STATE REPRESENTATIVE, District 19B

Basich (D)	13,472
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STATE SENATOR, 20th District

Amondson (R)	21,425
Odegaard (D)	17,943

STATE REPRESENTATIVE, 20th District, Position 1

Bowman (R)	19,396
Bailey (D)	19,090

STATE REPRESENTATIVE, 20th District, Position 2

Brumsickle (R)	20,993
Holm (D)	17,853

STATE SENATOR, 24th District

Pickell (R)	19,183
Conner (D)	19,681

STATE REPRESENTATIVE, 24th District, Position 1

Cummins (R)	16,708
Jones (D)	20,710

STATE REPRESENTATIVE, 24th District, Position 2

Hargrove (D)	28,866
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STATE REPRESENTATIVE, 26th District, Position 1

Talcott (R)	18,666
Meyers (D)	22,610

STATE REPRESENTATIVE, 26th District, Position 2

Oke (R)	20,526
Pruitt (D)	21,360

STATE REPRESENTATIVE, 30th District, Position 1

Schoon (R)	21,270
Metcalfe (D)	19,774

STATE REPRESENTATIVE, 30th District, Position 2

Brough (R)	24,965
Schueler (D)	15,021

STATE REPRESENTATIVE, 31st District, Position 1

Roach (R)	15,908
Todd (D)	19,795

STATE REPRESENTATIVE, 31st District, Position 2

Vance (R)	16,289
Crane (D)	18,231

STATE REPRESENTATIVE, 35th District, Position 1

Freeman (R)	11,610
Sayran (D)	23,222

STATE REPRESENTATIVE, 35th District, Position 2

Sinclair (R)	12,441
Vekich (D)	22,179

STATE SENATOR, 40th District

Richardson (R)	14,382
McMullen (D)	29,267

STATE REPRESENTATIVE, 40th District, Position 1

Ward (R)	16,314
Spanel (D)	27,625

STATE REPRESENTATIVE, 40th District, Position 2

Youngsman (R)	22,665
Fox (D)	21,884

STATE REPRESENTATIVE, 44th District, Position 1

Grupe (R)	14,908
Cantwell (D)	28,381

STATE REPRESENTATIVE, 44th District, Position 2

Winecoff (R)	17,423
King (D)	24,451

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the State of Washington, this ninth day of January, 1989.

(Seal)

RALPH MUNRO, Secretary of State.

SPECIAL ORDER OF BUSINESS

The Speaker: These inaugural ceremonies mark both a continuation and a beginning of public office. This occasion also marks, for three distinguished Washingtonians here today, retirement from office following long careers of outstanding achievement. Before we engage in those rites which look to the future, let us honor these three who have served this state so well for so long.

Three former Speakers of the House of Representatives have joined us for this worthy purpose. Distinguished service to their state is something held in common by all three former Speakers on the rostrum with me.

Charles Hodde was Speaker during some important and turbulent years in the State of Washington. Springing from a distinguished career in the House in the 1930's and 40's, Charles Hodde served as Speaker during 1949-51. Known to some of his political opponents as "Little Caesar," he was widely respected for his abilities. During his tenure, the number of miles of state roads multiplied several times. In the reminiscences of that period Mr. Hodde noted that, especially in the rural areas, "if you didn't come home with a new stretch of highway or a new bridge built by the state ... you probably wouldn't get re-elected."

Wayne Ehlers was Speaker from 1983-86, and he did much more than bring the leisure suit into popular acceptance. He also made the state a better place for all of us. The needs of education were uppermost on Wayne Ehler's agenda. The State School Directors' Association called his last session as Speaker "one of the most successful legislative sessions for education in history." It has also been said that a lot of polyesters had to die in order for Wayne to get dressed for work. But he kept his sense of humor, even on the rostrum. When his gavel strayed too far off the block and smashed the glass, slogans were born that lasted the entire session--"Ready, fire, aim."

Robert Schaefer was Speaker of the House in 1965-66. He was an attorney from Vancouver before taking his place in the House. Schaefer was a near-perfect choice for the times. He emerged as a compromise leader when members of the Majority Caucus had trouble picking a new Speaker. He was a smart choice. On that, many of the members of the day agree. Schaefer turned out to be effective and highly organized, and he earned high marks for his thoroughness and fair play. I got to watch Speaker Schaefer in Clark County and he taught me the "picket fence school of government." You walk up and down that picket fence very carefully. You don't press too hard, but you press on this picket; you press on the next. When you find a picket that is loose, you very carefully take it down. You move up and down the fence, and pretty soon you have a hole in the fence and you very politely step to the other side.

The Speaker introduced Speaker Wayne Ehlers to make a special presentation to Dr. Frank B. Brouillet.

Speaker Ehlers: Thank you, Mr. Speaker. Governor Gardner, Lieutenant Governor Pritchard, distinguished elected officials, honored guests and friends: It is with a great deal of pleasure that I am here today to share some thoughts about these people, who have been a very important part of my life. As I was driving down this morning, I thought of the more than one hundred years of distinguished public service of the three gentlemen we are honoring today. I remembered the 1950s, when I was a Freshman in college and John Cherberg was first elected Lieutenant Governor. By that time Treasurer O'Brien had already been Clark County Treasurer for a number of years, certainly all through my high school days. Dr. Frank "Buster" Brouillet was elected as a State Representative in 1956; again, I was still in school as a Freshman.

I taught for a number of years--first in 1960 in a Tacoma high school. I had a chance to see a legislator, an educator, a counselor, a coach who was well respected by not only the Legislature and the public, but also certainly by students and teachers. As time went on, I continued to teach and watch from afar the career of Buster Brouillet. It was certainly a distinguished career. Again, he was first elected in 1956 and promoted education legislation which was truly a landmark, not only for this state, but also for this nation. It provided an appropriate education for the handicapped, for the disabled, in our state.

Later Buster became Superintendent of Public Instruction, after a stint with the Community College at Highline. He was elected in 1972 to the first of four terms as Superintendent of Public Instruction. I won't tell you all of the highlights of Buster Brouillet's career in that office, but there are many. He certainly provided leadership in bilingual education, vocational education, special education, remedial education, programs for the gifted, and some programs that aren't particularly well known, but perhaps some of you have had contact with them, including international education. In the last three years, for example, we have had two hundred and fifty exchange students from China and Japan. We don't read much about that in the newspapers, but a lot of the credit for international education goes to the

gentleman we are honoring today. Lastly, he certainly deserves credit for something, which some of us should have been much more aware of and concerned with, and that is dropout prevention and substance abuse. He kept reminding us of that before it became the popular thing to address. He was there first.

As I was trying to put together some ending remarks, I thought I might give a recitation of a poem or a light story. Then I thought of Marge and Buster and that this is not truly an ending. It is a beginning. I suspect we are going to hear a lot more from Buster Brouillet, whether we want to or not, over the next few years. We would all be the better for that. It is with a great deal of pleasure that I have the opportunity to present this plaque and to introduce a teacher, a coach, a counselor, a college administrator, a State Representative, Superintendent of Public Instruction, and friend, Dr. Frank "Buster" Brouillet.

Speaker Ehlers presented to Dr. Frank B. Brouillet an engraved plaque, recognizing his sixteen years of dedicated service to the people of the State of Washington as Superintendent of Public Instruction.

Dr. Brouillet: Thank you very much, Wayne. Governor Gardner and Jean, Lieutenant Governor Cherberg and other distinguished guests: This is always an interesting time in one's life, because you look back and you think, "Those were great years." And you enjoyed them. But then there is looking forward. Marge and I look forward to doing some other things as we move ahead.

Let me say that education in the State of Washington, in spite of all the prodding that some may give you, is in good shape. I would like to tell you that it is all because of the State Superintendent, but we in this room know that is not true. You have played a very distinguished part in it. I want to say to you, "Thank you." Even though we may have disagreed on principle, we never did disagree personally. I mark among my friends people on both sides of this aisle, and many others in this state, who have helped me to try and do some things for our most important natural resource, our young people. Let me say to you, sixteen years in the Legislature was great and sixteen years as State Superintendent was even greater. You have been an important part of that, and I want to thank you so much for this honor and for your help. God bless you and good luck.

The Speaker introduced Speaker Robert Schaefer to make a special presentation to Mr. Robert S. O'Brien.

Speaker Schaefer: Mr. Speaker, Governor Gardner and Jean, Lieutenant Governor Cherberg, Lieutenant Governor Pritchard and distinguished elected officials. It is really a pleasure to be here today on this occasion. Our state has been blessed by long and continuous service to the State of Washington by many outstanding men and women. One of these outstanding individuals was sworn in for the first term as State Treasurer after serving many years as a County Treasurer. It is only fitting that during our centennial year we reflect on this type of outstanding service and take time to show our appreciation to people such as Bob O'Brien, who have made our state and nation a better place in which to live.

When Bob O'Brien's name first appeared on the ballot in 1965 to run for state-wide office as our state's chief banker, his name was listed along with well known names such as Goldwater and L.B.J. That is our history. Bob O'Brien has served six terms as State Treasurer. Counting his time as treasurer of Grant County, he has been elected to ten consecutive four-year terms as a treasurer handling our public funds. That is longevity and real dedication to all of us. Many federal and state administration office holders, famous or infamous, have come and gone with regularity in these years. Bob, who was first elected in 1965 as State Treasurer, has held a never-relinquishing grip on the treasurer's office until now. Some might call that stubbornness. But it is also a lot more. He quietly and efficiently has gone about the business of managing our state's financial resources and keeping this state on an even keel. During his twenty-four years as State Treasurer Bob O'Brien elevated investment income to a role of a major source of funding for this state. He has said of his job that his greatest responsibility was to be a good money manager, to get the greatest return from our state funds. He has done just that and we all thank him for it.

His list of professional activities is impressive. During his service with Grant County he was elected as President of the Washington State County Treasurers' Association and was also President of the Washington Association of County Elected Officials for an unprecedented three consecutive terms. In his role as State Treasurer he has served as Chairman of the State Finance Committee, Chairman of the Public Deposit Protection Commission, a member of the State Investment Board, and Secretary of the State Housing Finance Commission. Many other boards and committees, task forces and professional associations have been well served by this man's participation. His kind of service to this state will be sorely missed. We all wish you well, Bob.

Speaker Schaefer presented to Mr. Robert S. O'Brien an engraved plaque, recognizing his twenty-four years of dedicated service to the people of the State of Washington as State Treasurer.

Mr. O'Brien: Governor Gardner and Jean, distinguished and honored guests all: To tell you that I didn't have mixed emotions today would not be the truth. You cannot have been associated with government for thirty-eight years, as I have, without having a lot of thoughts about this particular time. I look here at the people. Over the years, if we have had success in our treasurer's office, and we have had, it is because of the authority and assistance the Legislature gave to this treasurer. Every time we had a reasonable request it was never turned down. As a result we have one of the most active treasuries in the nation which, as has been pointed out, has made more money than most any others by far. I will not go on with this, other than to say that I sincerely appreciate the faith and trust and loyalty that you have all placed in Bob O'Brien over the years. I'll look forward to working with you in the future. Thank you.

The Speaker introduced Speaker Charlie Hodde to make a special presentation to Lieutenant Governor John A. Cherberg.

Speaker Hodde: I just want to tell everybody that I am standing up. I had my picture taken one time with Governor Rosellini and President Johnson. It was cut off at the waist. I brought it home and proudly showed it to some of my employees in the tax commission. One fellow there, who had always been a very nice guy, said, "I thought you were supposed to stand up when you shook hands with the President."

I enjoy being here today, and one of the reasons that I am willing to participate in the program is that I got a free place to park right in the building. Anytime you want to furnish me a service like that, I am willing to come and make a talk. So judge by today whether or not that should be a trade.

I understood you had John Sylvester here to entertain you for a short time on Monday. Now I am a relative newcomer because this is only my fortieth anniversary, not fiftieth, of having been Speaker. I have been here quite a bit in different capacities since. There are two people here today who were leaders during my term as Speaker. Once in awhile a little difference occurred. I would first like to recognize Slim Rasmussen, who was my Floor Leader in 1949—one of them. I had two—he and Bob Fuller. We got along fine; he followed my orders quite well with one exception. He insisted that the ladies in the home should be able to get colored margarine without having to color it themselves. I was able to defeat him in the Legislature, being an old cow milker myself. But that guy went home and organized an initiative campaign right in his kitchen. He put it over and forced colored oleo down all those cow milkers' throats. The other guy who was here at the time is John O'Brien. I don't have to introduce John O'Brien to you anymore than I do Slim Rasmussen. John also was a very cooperative assistant, except that when I ran for re-election in 1951, he ran against me for Speaker. I got even with him. I made him Chairman of the Appropriations Committee. I have always thought that the reason he got back into the Speaker race and stayed there four terms is that he found out that being Chairman of Appropriations is work and it would be better to be Speaker. My congratulations to John O'Brien for serving very many years, and I am not giving him a retirement plaque today.

Before I get into too much about the Lieutenant Governor, I'll just take time to button my vest. Some of us have learned when we are working with Cherberg, we

have to be quite proper. I was told that if I was going to perform this, I would have to wear a vest today. I'm surprised you don't have one on, Governor.

Governor Cherberg has been subjected, I think that is the term I'll use, to an awful lot of oratory, so I'm not going to make this very long. I am going to relate that at one time, and he may have forgotten this, he sort of gave me credit for getting elected the first time. I had been urged to run for Lieutenant Governor; I tried for Governor four years earlier and only came in third on the Democratic ticket. Rosellini particularly had urged me to run for Lieutenant Governor; he thought it would strengthen the ticket in Eastern Washington. But I couldn't see doing that at the time, because I was lined up to be Chairman of the committee against him. Anyway, I didn't run for Lieutenant Governor, so Cherberg got elected. I didn't make that up; he's the one that told me first.

He did bring quite a welcome change to the Senate, as far as I was concerned. What I would say would be repetitive, because it has been said before. I just want again to mention that not only has he been an excellent presiding officer and not only has he had the respect of both sides of the aisle in handling his duties in that office, but he also has spent more time being Governor than several of our Governors during the time he has served. The time he spent while they were out of state adds up to more time than Spellman served and Dixy served. That makes him Governor, not Lieutenant Governor. He has been an ambassador of good will and has done quite a bit of traveling around the state. When the state needed a representative in any part of the world, he was there. He has been on trade missions. I have all this written out and, if you really want to get it all one more time, John, I'll leave you a copy. Otherwise, I would now like to present one of my favorite people with a plaque as he retires from this very important office of Lieutenant Governor.

Speaker Hodde presented to President John A. Cherberg an engraved plaque, recognizing his thirty-two years of dedicated service to the people of the State of Washington as Lieutenant Governor.

President Cherberg: Thank you very much, ladies and gentlemen, and thank you, Charlie. Remember me is all I ask. If remembrance be a task, forget me. God bless you, my wife and children. Thank you very much.

The Speaker: Governor Cherberg, before I relinquish the presiding role to you so that you may complete your part of these proceedings, I wish to acknowledge the significance of this act. It falls to me to be the Speaker who hands you the gavel for this purpose for the last time. You have been coming to this rostrum to preside over the Joint Sessions of the Legislature since before several of our newer members were born. Your gracious presence on these occasions has always been welcomed by us all. I consider it a great honor to have stood by your side for a short part of your long career.

The Speaker presented the gavel to President Cherberg.

President Cherberg: Thank you, Mr. Speaker. The purpose of this Joint Session is to administer the Oath of Office to the constitutionally elected state officials of the State of Washington and to receive the Inaugural Address of Governor Booth Gardner.

THE OATH OF OFFICE TO ELECTED OFFICIALS

Justice Barbara Durham administered the oath of office to Insurance Commissioner Richard Marquardt, and the President of the Senate presented him the Certificate of Office.

Justice Charles Z. Smith administered the oath of office to Commissioner of Public Lands Brian Boyle, and the President of the Senate presented him the Certificate of Office.

Justice James A. Andersen administered the oath of office to Superintendent of Public Instruction Judith A. Billings, and the President of the Senate presented her the Certificate of Office.

Justice Vernon R. Pearson administered the oath of office to Attorney General Kenneth Elkenberry, and the President of the Senate presented him the Certificate of Office.

Justice James M. Dolliver administered the oath of office to State Auditor Robert V. Graham, and the President of the Senate presented him the Certificate of Office.

Justice Robert F. Brachtenbach administered the oath of office to State Treasurer Daniel K. Grimm, and the President of the Senate presented him the Certificate of Office.

Justice Robert F. Utter administered the oath of office to Secretary of State Ralph Munro, and the President of the Senate presented him the Certificate of Office.

Acting Chief Justice Fred Dore administered the oath of office to Lieutenant Governor Joel Pritchard, and the President of the Senate presented him the Certificate of Office.

President Cherberg: Lieutenant Governor Pritchard, I have the privilege now of presenting you with your Certificate of Election and, lastly, I turn the gavel over to you. I trust you will use it with discretion, and that you will enjoy, as I have, the days that you are going to serve in the State Senate. I wish you the best of luck, and God bless you.

President Pritchard: Governor and Mrs. Gardner, and Lieutenant Governor Cherberg, who will always be Lieutenant Governor Cherberg: It is a high honor and a great privilege to be elected to any office, but it is especially meaningful to come back to our state and be elected to the Lieutenant Governor's office and have an opportunity to serve, especially in an office that only comes around every thirty-two years.

I have known the Lieutenant Governor for many years--I believe it is forty years. I was fourteen when I first met him. He is a great friend. At that time, though, your football coach is not your friend, but you have great respect for him and you do everything you can to please him and do what he tells you. John Cherberg was a wonderful football coach and a great friend and administrator; the great thing was that he was an example to the young men who played under him.

I am terribly pleased that Slade Gorton and Rod Chandler have come down; they have played important parts in my life. When I first came here thirty years ago, by luck Dan Evans, Slade and I ended up living in a little house about six blocks from the Capitol. I became acquainted with them and life has not been the same since. I can say this for Rod Chandler. I was going to Greece and to the Middle East on a trip and a friend of mine said, "Why don't you take some movies? If they are any good, I'll put them on television as a travel show." I thought that was wonderful, but didn't know how to take pictures--I'd never taken a camera. He said that he knew somebody who could teach me in one day. So I spent a full day with Rod Chandler and he taught me what to do. The biggest thing he said was to take about ten times as much film as you think you'll need. I did it, and when we got back, ten percent of it was usable and we were able to put eighteen minutes together. That was quite an important part of my life, as many years later people said they had seen me on the travel show. So I thank you, Rod, for getting me through that.

You know, if you are going to have a good life, you have to have something to get up for. You have to have some challenges; you have to have something that puts zest in your system. Challenge is part of it. It is really a blessing to be challenged. Those of us in the government are richly blessed right now, because we have enormous challenges. I am going to work with the Governor, with all the state officials, elected representatives, particularly the Senators on both sides of the aisle. We have a lot of chores to do, and I am going to do everything I can to be helpful. When you think of what the settlers did one hundred years ago and the problems they had, we ought to be ashamed of ourselves if we can't solve our problems today. These opportunities, these challenges are before us, and I look forward to working with all of you in the coming years.

Let me say to John Cherberg: You set an example of fairness, of honesty and accessibility; you set a high standard. I only hope I can live up to that. Thank you very much and thank you, Lieutenant Governor Cherberg.

THE OATH OF OFFICE OF THE GOVERNOR

Chief Justice Callow administered the oath of office to Governor Booth Gardner, and the President of the Senate presented him the Certificate of Office.

The President of the Senate introduced Governor Booth Gardner.

INAUGURAL ADDRESS: THE CENTENNIAL CHALLENGE

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

Over one hundred years ago, our ancestors stood at an historic crossroads. They had crossed thousands of miles of desert, mountains, rivers and wilderness to build a better life. They came as neighbors to our native friends, who had already built rich cultures and traditions from Washington's earliest days. People came to this state to build a brighter future for themselves and their families.

Today, in 1989, we in Washington State stand at another crossroads in our history, one in which we are forced by the tide of global events to decide what kind of future we want for our state. As we begin our second century, this state finds itself at the center of a new integrated global economy. This state is the nation's leader in per capita trade income, a precursor to exactly what the United States must become in the next twenty years. This new era of the interdependent global economy means excruciating, unprecedented international competition; it means declining influence and funding from the federal government; and it means an imperative that we do more for ourselves, for our children, and for our future. The global economy means that we no longer compete state against state, American company against American company. It means that we not only compete against Japan, but also with the growing economic powers of Taiwan, South Korea, the Philippines, with India, with Brazil, and with the soon-to-be-united countries of the European economic community. Those countries, which I have just mentioned, have begun to reform their economies and their societies for the new era.

What are we waiting for? It is time that we do the same. Either we respond to international competition, or we doom ourselves, and we doom our children, to a dramatic slide to second-rate status in the world. How we respond to that competition is perhaps the greatest challenge this state and this country have ever faced. We must look at ourselves and our economy in new ways. The competitive edge will go to those who pioneer customized precision products made by highly skilled workers. To do this, companies must add value to their products and export them. Adding value to goods and services and exporting them to markets throughout the world is our best strategy for economic health and vibrancy in the 21st century. Adding value to our products means exporting furniture or flooring systems, not just plywood, lumber and logs. Adding value means exporting processed products, not just raw materials. State government has a critical leadership role in helping to build local economic development capacity throughout our state.

What matters most in the long run are the actions of local entrepreneurs, local officials, local educators, local bankers and local workers. The partnership is working when Boeing expands to Spokane, when Lamb Weston moves into the Tri-Cities, when Ponderay Newsprint moves into northeast Washington. When Key Technology moves into Walla Walla, the partnership is working. When the employees of Omak Wood Products take over their own company and their own future in Omak, Washington, the partnership is working.

In February of 1985, this state began developing a long-range strategy to ensure our economic survival. Today, after four years, with input from citizens all across this state, we have in our hands a report that outlines an ambitious strategy to preserve and enhance this state's quality of life. The Economic Development Board report is not for the narrow-minded nor is it for the short-sighted. To implement this plan demands the best that is in each of us. And I believe we have what it takes.

Today, unemployment in this state is at its lowest level in twenty years. Today, Washington's economy is outperforming the nation. But make no mistake. We start

now, adjusting to the challenges of the future in this our centennial year, or risk all that we have worked for.

For the first time since the industrial revolution began, a good business climate is also a good living climate—high quality public infrastructure; excellent, efficient public services; world class education and training; and a clean, healthy environment. A recent Business Week article on human capital said “the social agenda is now the business agenda.” What does that mean? Let me give you an example. The computer has become the pencil of the 21st century, the basic tool that must be mastered by all who expect a good job—not just a job—a good job. In addition, the workforce is shrinking, so business will need every available worker, and the workers will need more education and better skills. Think of this, the things that we have always wanted for our people and our society are now the very things that business needs from the workforce. So, in addition to our moral commitment, we have an economic imperative to help our people become well-educated, productive citizens.

Let me ask you this: Do we want a society with a growing number of illiterate adults? Do we want a society with a staggering high school dropout rate—fifty percent in some urban schools? Do we want a society where twenty percent of our children live and grow up in poverty, subjected to the environment of lost potential and broken dreams? I don't think there is a person in this room today that wants that. Now I implore you to understand it is not just some abstract “they” I am talking about. It's our children—yours and mine—who are not being educated for the 21st century. It's your children and our children and our neighborhoods, which are exposed to drugs and gangs. It's our roads and our bridges that need to be repaired and rebuilt. And it will be our children who will be the first generation in America's two-hundred year history that will not achieve, much less exceed, our standard of living, if we are not willing to commit to a public agenda of excellence for the common good.

Where do we start? To begin our twenty-year strategy, I am recommending to this Legislature that they take the following specific steps: Establish the Washington Development Finance Authority to improve the availability of capital for new and small businesses in the state; launch new efforts to train and retrain more than nine thousand Washington workers who would otherwise go unused; continue efforts to diversify the Tri-Cities economy through development projects, worker retraining and services for displaced workers; continue efforts to make Washington State a major international tourist destination; and we must expand domestic agricultural marketing by working with private industry to increase the national visibility of Washington-grown and Washington-processed food products.

I am also recommending that the 1989 Legislature take action in several educational areas crucial to the development of our economy and our children. I will list just three of those now. I am proposing that we double the size of the early childhood education program. We must give children-at-risk a fighting chance for success. I am also proposing that we double the size of our innovative Schools for the 21st Century program. It is a program of experimentation and discovery. It is testing fresh ideas on how to develop students' talents and skills. I am proposing that we take the next step toward competitive faculty salaries and better access to higher education.

For a strong economy and a healthy society we must protect our environment. The recent oil spill has presented a grave threat to wildlife and has fouled our ocean beaches. The oil spill vividly and dramatically demonstrates the danger of opening our coastline to oil and gas drilling. We will never accept contamination of our precious coastal waters. We must continue working to protect the Spokane aquifer and Puget Sound. And I am proposing new legislation providing comprehensive protection and enhancement of our state's priceless wetlands.

Transportation is another very important issue that bears on economic development as well as quality of life. I have outlined proposals to begin improving our rail and road transportation systems. We and this state are not a market economy; we are a production, service and distribution center. A high-quality, efficient transportation system is essential to our economic strength.

The health of our citizens, particularly our children, is an issue that goes right to the heart of quality of life. To ensure access, to help control costs, and to guarantee quality health care, I have proposed that we create a new Department of Health. I also propose the First Steps program, which carefully targets medical care. The program focuses on maternity care for low-income women and health care for children up to eight years of age who come from low-income families. These are among the most basic needs of our most vulnerable citizens and we are not going to turn our backs on them.

Finally, there is a strong connection between economic development and tax reform. Our current tax structure, which has remained basically unchanged since 1935, is unbalanced, unfair and inhibits business investment. Washington citizens will lose more than one hundred and twenty million dollars this year alone because the sales tax is not deductible from their federal income taxes. We in this state currently have a rate-adjusted system, which means simply that when the system does not respond to change, we raise rates. We have raised the B&O tax and the sales tax eight times in the last twenty years.

What we need is an economically adjusted tax system, one that will keep up with a rapidly changing and growing economy. To pursue a long-term strategy, we must have a financial plan for Washington's second century, one that responds to our changing economy and safeguards taxpayers through spending controls.

I am proposing that the 1989 Legislature join in bipartisan approval of a tax reform referendum to allow the people of Washington State to vote on this critical issue. We will have before this Legislature a plan that takes more than seventy-five thousand businesses off the B&O tax rolls. It will establish a rainy-day fund to meet economic downturns, and put into the Constitution a specific limitation on the ability to raise tax rates. It will provide tax relief for families earning less than thirty thousand dollars a year. It will provide a way to meet our transportation needs, and for local governments to meet their critical needs. And it will give us the capacity, over the long term, to meet many of the needs that go begging today, without continually raising taxes.

A group of citizens gathered in Walla Walla, Washington, for a constitutional convention in which they wrote a Constitution. That Constitution was approved by the people of the State of Washington in 1878. Because of partisan bickering in Washington, D.C., we were not granted statehood at the time we were ready. For twelve years in this country no territory was granted statehood. Finally, in 1889, by one vote, many of us joined the Union, which is why so many states are celebrating their centennials this year and next. I wish that I could say to you that statesmanship won out over partisanship, but such was not the case. We in Washington in 1989, in our centennial year, can rise above partisanship and we can avoid mistakes of the past if we summon the guts, the will, the strength and the wisdom to do so.

A few of you before me today have already outrightly rejected my tax reform referendum proposal. To those few of you: What are you afraid of? If you are right, if the people don't want tax reform, they will say so at the polls, at the focal point for freedom in a democratic society. If you are wrong, if the people of this state are ready to start a new century with a new system, then your opposition has been a barrier to progress. I want to end this paralysis. I want us to get out of the box of indecision and fear.

To the members of the Legislature, I have this to say: Now is the time to hear the peoples' voice on tax reform. Do not stonewall this issue. Let the people of the State of Washington decide.

And now, as I close, I share a personal philosophy with you. We in this state, as people in every state, are in a fight for our survival. Some states will prosper, and some states will not. I suggest that from this time forward, we begin to think of ourselves as a "nation-state," responsible for our own economic well-being and that we begin marshalling the tools, the capacity and the resources to internationalize our workforce, our businesses and our institutions. I believe that we must start thinking of ourselves as world citizens, competing internationally, with the best years of our lives ahead of us and with the best one hundred years of this state just beginning.

The State of Washington has a combination of advantages unlike any place else on earth--our resources, our people, our industries and our position at the gateway to the Pacific Rim. And, most precious of all, we have our children, who hold the future in their eyes, and in their minds, and in their hearts.

We stand on the threshold of a new century of statehood. We have an opportunity to do something extraordinary--to stand as a lighthouse on the edge of the great Pacific and to show other states, and indeed to show the world, the true meaning of enlightened and far-reaching leadership; to create for ourselves the highest quality of life imaginable.

The challenge is clear. The choice is ours. The best public policy is based on the understanding that everything we do, we do for our children. I agree with the prophetic wisdom of Thomas Jefferson, who said, "I like the dreams of the future better than the history of the past." Ladies and gentlemen, to all of you listening today, the future is not predetermined. The future will become what we make it. Thank you very much.

The President of the Senate instructed the special committee to escort Governor and Mrs. Gardner to the State Reception Room.

The President instructed the special committee to escort Dr. Frank B. Brouillet and Mr. Robert S. O'Brien to the State Reception Room.

The President instructed the special committee to escort the Congressional Delegation to the State Reception Room.

The President instructed the special committee to escort the State Elected Officials to the State Reception Room.

The President instructed the special committee to escort the Supreme Court Justices to the State Reception Room.

MOTION

On motion of Mr. Ebersole, the Joint Session was dissolved.

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

The Speaker instructed the Sergeants at Arms of the House and the Senate to escort Lieutenant Governor John A. Cherberg, President of the Senate, Lieutenant Governor Joel Pritchard, Majority Leader Jeannette Hayner, Democratic Leader Larry Vognild and members of the Washington State Senate from the House Chamber.

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Friday, January 13, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, January 13, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Gallagher, Locke, Nutley, Peery, Todd and Walk. Representatives Nutley and Peery were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jeff McMorris and Nathan Caproni. Prayer was offered by The Reverend Max Latser, Minister of the Unity Church of Olympia.

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

INTRODUCTIONS AND FIRST READING

HB 1051 by Representatives Todd, Winsley, Crane, Walker, Moyer, Jacobsen, Bristow, Heavey, Appelwick, Prentice, D. Sommers, Leonard, Basich, Hine, Rust, Rector, Haugen, Valle, Jones, Brekke, Rasmussen, Dorn, Walk, O'Brien, Dellwo, Kremen, Sayan, Locke, Ferguson, Wineberry, H. Myers, G. Fisher, K. Wilson, Patrick, Fuhrman, Van Luven, McLean, May, Schoon, Brumsickle, Phillips and Anderson

AN ACT Relating to developmentally disabled adults; amending RCW 10.77.010, 10.77.060, 10.77.090, 10.77.110, 10.77.120, 10.77.140, 10.77.163, 10.77.165, 10.77.200, 10.77.210, 71.05.020, 71.05.300, and 71.05.320; creating a new section; and declaring an emergency.

Referred to Committee on Human Services.

HB 1052 by Representatives Haugen, Ferguson, Wolfe and Ballard

AN ACT Relating to sewer districts; and amending RCW 56.32.010, 56.32.080, 57.32.010, and 57.36.010.

Referred to Committee on Local Government.

HB 1053 by Representatives Haugen, Ferguson and Wolfe

AN ACT Relating to sewer districts on islands; and amending RCW 56.24.070.

Referred to Committee on Local Government.

HB 1054 by Representatives P. King, Anderson, Cantwell, Wineberry and Crane

AN ACT Relating to braille instruction for blind students; and amending RCW 28A.13.010.

Referred to Committee on Education.

HB 1055 by Representatives R. Fisher, Chandler, Zellinsky, Fraser, D. Sommers and Smith

AN ACT Relating to financing the provision of fire protection services for state-owned buildings and equipment; creating a new section; and declaring an emergency.

Referred to Committees on State Government/Appropriations.

HB 1056 by Representatives Sayan, R. King, Smith, Vekich and Belcher; by request of Department of Fisheries

AN ACT Relating to herring spawn on kelp; amending RCW 75.08.230; adding a new section to chapter 75.28 RCW; and creating a new section.

Referred to Committee on Fisheries & Wildlife.

HB 1057 by Representatives Walk, Baugher, Schmidt, R. Meyers, Hankins, Zellinsky, D. Sommers and Betrozoff; by request of Washington State Patrol

AN ACT Relating to vehicle inspection fees when a physical examination is required; amending RCW 46.12.040; and making an appropriation.

Referred to Committee on Transportation.

HB 1058 by Representatives R. Fisher, Hankins, Zellinsky and Jones

AN ACT Relating to suspension without pay of a state patrol officer; and amending RCW 43.43.080 and 43.43.090.

Referred to Committee on Transportation.

HB 1059 by Representatives Smith, Chandler, Baugher, Doty, Ballard, McLean, Inslee and Schoon

AN ACT Relating to historic preservation; creating a new section; and making an appropriation.

Referred to Committee on Appropriations.

HB 1060 by Representatives Cooper, Ferguson and Haugen; by request of Department of Community Development

AN ACT Relating to bond information; amending RCW 39.44.200, 39.44.210, 39.44.230, 39.44.240, and 43.63A.155; and repealing RCW 39.44.220.

Referred to Committee on Local Government.

HB 1061 by Representatives R. Fisher, McLean, Anderson, Sayan, Jacobsen and R. King; by request of State Military Department

AN ACT Relating to the state militia; amending RCW 38.04.010, 38.04.020, 38.04.030, 38.04.040, 38.08.010, 38.08.030, 38.08.040, 38.08.050, 38.08.070, 38.08.090, 38.12.010, 38.12.020, 38.12.030, 38.12.060, 38.12.070, 38.12.095, 38.12.115, 38.12.125, 38.12.150, 38.12.170, 38.12.180, 38.12.200, 38.16.010, 38.16.020, 38.16.030, 38.20.010, 38.20.040, 38.20.050, 38.24.010, 38.24.050, 38.24.060, 38.32.010, 38.32.020, 38.32.070, 38.32.080, 38.32.090, 38.32.120, 38.40.010, 38.40.020, 38.40.030, 38.40.040, 38.40.050, 38.40.060, 38.40.100, 38.40.110, 38.40.120, 38.40.130, 38.44.010, 38.44.020, 38.44.030, 38.44.040, 38.44.050, 38.44.060, and 38.48.050; repealing RCW 38.08.080, 38.40.071, 38.40.080, and 38.40.160; adding new sections to Title 38 RCW; adding a new section to chapter 38.16 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1062 by Representatives Appelwick, Padden, Inslee, Tate, Jacobsen and P. King; by request of State Military Department

AN ACT Relating to the Washington code of military justice; amending RCW 38.38.004, 38.38.008, 38.38.012, 38.38.016, 38.38.020, 38.38.024, 38.38.064, 38.38.068, 38.38.072, 38.38.076, 38.38.080, 38.38.084, 38.38.088, 38.38.092, 38.38.132, 38.38.172, 38.38.176, 38.38.184, 38.38.188, 38.38.196, 38.38.200, 38.38.240, 38.38.244, 38.38.248, 38.38.252, 38.38.256, 38.38.260, 38.38.268, 38.38.308, 38.38.312, 38.38.316, 38.38.320, 38.38.324, 38.38.328, 38.38.368, 38.38.372, 38.38.376, 38.38.380, 38.38.384, 38.38.388, 38.38.392, 38.38.396, 38.38.400, 38.38.404, 38.38.408, 38.38.412, 38.38.420, 38.38.428, 38.38.432, 38.38.440, 38.38.484, 38.38.488, 38.38.492, 38.38.532, 38.38.540, 38.38.556, 38.38.564, 38.38.568, 38.38.572, 38.38.580, 38.38.652, 38.38.656, 38.38.660, 38.38.684, 38.38.688, 38.38.716, 38.38.720, 38.38.756, 38.38.772, 38.38.788, 38.38.800, 38.38.840, 38.38.844, 38.38.848, 38.38.852, 38.38.856, 38.38.860, 38.38.864, and 38.38.868; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1063 by Representatives Grant, Silver, Belcher, Zellinsky, Todd, Anderson, Ferguson, Nealey, Winsley, Beck, Schoon, Rayburn, Leonard, Jacobsen, Basich, Dorn, D. Sommers, McLean, Padden, Cooper, Peery, Bristow, R. Meyers, P. King, Baugher, Sayan, Moyer, Patrick, Fuhrman, Walker, May, Brumsickle, Doty and Betrozoff

AN ACT Relating to the business and occupation taxation of insurance agents, brokers, and solicitors; and amending RCW 82.04.260.

Referred to Committee on Revenue.

HB 1064 by Representatives Jones, Haugen, Walker, Basich, S. Wilson, Ferguson, Todd, Holland, Crane, Cole, Zellinsky, Leonard, Kremen, Winsley, P. King, Bowman, D. Sommers, Wineberry, G. Fisher, Miller, Van Luven, Brekke, Phillips and Anderson

AN ACT Relating to mandatory treatment for persons convicted of child molestation; and reenacting and amending RCW 9.94A.120.

Referred to Committee on Judiciary.

HB 1065 by Representatives Jones, Hargrove, Patrick, Walker, S. Wilson, Haugen, Basich, Brough, Todd, Ferguson, Holland, Crane, Cole, Rayburn, Jesernig, Rector, Heavey, Pruitt, Leonard, Kremen, Winsley, P. King, Bowman, Moyer, Silver, Cantwell, D. Sommers, Wineberry, H. Myers, G. Fisher, K. Wilson, Morris, Miller, Wolfe, Youngsman, Van Luven, McLean, Nealey, Tate, May, Schoon, Brumsickle, Doty, Phillips, Betrozoff and Anderson

AN ACT Relating to sexual offenses; amending RCW 9A.44.076, 9A.44.083, and 9.94A.440; reenacting and amending RCW 9.94A.320 and 9.94A.120; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1066 by Representatives Jones, Hargrove, Crane, Walker, Cole, Basich, Patrick and Wineberry; by request of Employment Security Department

AN ACT Relating to the employment security department; making an appropriation; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1067 by Representatives Braddock, Brooks, Day and P. King; by request of Insurance Commissioner

AN ACT Relating to technical changes in the state Health Insurance Coverage Access Act; and amending RCW 48.41.030, 48.41.040, 48.41.060, 48.41.070, 48.41.080, 48.41.090, 48.41.100, 48.41.120, 48.41.150, and 48.41.190.

Referred to Committee on Health Care.

HB 1068 by Representatives Dellwo, May, Nutley, R. Meyers, Ferguson, Chandler, Winsley, Inslee, Rector, Wang, Belcher, Kremen, Moyer, D. Sommers, Wolfe, Crane, Schoon and Betrozoff; by request of Insurance Commissioner

AN ACT Relating to motor vehicle rentals; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1069 by Representatives Baugher, R. Meyers, Rayburn, Scott, S. Wilson, Schmidt, Jesernig, Grant, Dorn, McLean, P. King, Bowman, Moyer, Silver, D. Sommers, Smith, Ferguson, Patrick, Miller, Wolfe, Fuhrman, Youngsman, Van Luven, Nealey, Tate, Rasmussen, Brough, May, Schoon, Brumsickle and Betrozoff

AN ACT Relating to criminal activity; amending RCW 9.73.090; reenacting and amending RCW 9.73.030; adding new sections to chapter 9.73 RCW; repealing RCW 9.73.050; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1070 by Representatives Rector, Youngsman, G. Fisher, Padden, H. Myers, Patrick, Wolfe, Ferguson, D. Sommers, Walker, Wood, Dellwo, Kremen, P. King, Silver, Morris and Crane

AN ACT Relating to criminal procedure; amending RCW 9.95.062; adding a new section to chapter 10.64 RCW; and adding a new section to chapter 10.82 RCW.

Referred to Committee on Judiciary.

HB 1071 by Representatives H. Myers, Padden, Nealey, Patrick, Wolfe, Wood, P. King and Crane

AN ACT Relating to criminal procedure; amending RCW 7.36.130; adding new sections to chapter 10.73 RCW; and creating new sections.

Referred to Committee on Judiciary.

HB 1072 by Representatives Rasmussen, Dorn, Brumsickle, Betrozoff, Rayburn, Fuhrman, Peery, Pruitt, Walker, Valle, Spanel, R. Meyers, Prentice, Kremen, Rust, Wineberry, Heavey, Rector, Morris, Patrick, Leonard, Basich, Wang, Winsley, P. King, Bowman, G. Fisher, K. Wilson, Miller, Wolfe, Nealey, Brough, Crane, Walk, Schoon, Todd, Phillips and Anderson

AN ACT Relating to carrying air guns onto school premises; amending RCW 9.41.280; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1073 by Representatives Vekich, Patrick, Wang, R. King, Prentice, Leonard, Sayan, Winsley, Jacobsen, Belcher, Jones, Miller and Wolfe; by request of Department of Labor and Industries

AN ACT Relating to agricultural labor; and amending RCW 49.12.185.

Referred to Committee on Commerce & Labor.

HB 1074 by Representatives Haugen, Walker, Winsley, Leonard, Cole, Hankins, S. Wilson, Ferguson, Nutley, Scott, Belcher, Anderson, Basich, Dellwo, Spanel, Braddock, Brough, Horn, Todd, Nelson, Brekke, Rector, Appelwick, Hine, Heavey, Baugher, Kremen, Cooper, Zellinsky, K. Wilson, Wood, Rayburn, Jesernig, Jacobsen, R. Fisher, R. King, Rust, Pruitt, Wang, Grant, Jones, Moyer, Cantwell, Locke, Inslee, H. Myers, G. Fisher, Morris, Patrick, Miller, Wolfe, O'Brien, Rasmussen, Walk, May, Doty, Phillips, Betrozoff and Ballard

AN ACT Relating to mammograms; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1075 by Representatives Haugen, S. Wilson, Spanel, Brough, H. Sommers, Appelwick, Zellinsky, Schmidt, Jones and Leonard

AN ACT Relating to the taxation of fish reared in salt water net pens; adding a new chapter to Title 82 RCW; providing an effective date; and declaring an emergency.

Referred to Committees on Fisheries & Wildlife/Revenue.

HB 1076 by Representatives Haugen, S. Wilson, Zellinsky, Hine, Schmidt, Jones and G. Fisher

AN ACT Relating to leased beds of navigable waters in code cities outside of a port district; and amending RCW 79.92.110.

Referred to Committees on Local Government/Revenue.

HB 1077 by Representatives Ebersole, Crane, Walk, Dellwo, Haugen, Todd, Smith, Gallagher, O'Brien, Brough, Ballard, Rector, Heavey, Jones, D. Sommers, Ferguson, Wineberry, H. Myers, G. Fisher, Miller, Phillips and Valle

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

Referred to Committee on Local Government.

HB 1078 by Representatives Nutley, Ferguson and Nelson

AN ACT Relating to local government boundary adjustments; amending RCW 36.93.100, 36.93.105, 36.93.150, 36.93.170, 36.93.180, 35.21.790, and 35A.21.210; adding new sections to chapter 36.93 RCW; adding new sections to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; adding a new section to chapter 35.02 RCW; adding a new section to chapter 35.07 RCW; adding a new section to chapter 35.10 RCW; adding a new section to chapter 35.16 RCW; adding a new section to chapter 35.43 RCW; adding a new section to chapter 35.61 RCW; adding a new section to chapter 35.67 RCW; adding a new section to chapter 35.91 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 35A.02 RCW; adding a new section to chapter 35A.03 RCW; adding a new section to chapter 35A.05 RCW; adding a new section to chapter 35A.14 RCW; adding a new section to chapter 35A.15 RCW; adding a new section to chapter 35A.16 RCW; adding a new section to chapter 52.02 RCW; adding a new section to chapter 52.04 RCW; adding a new section to chapter 52.06 RCW; adding a new section to chapter 52.08 RCW; adding a new section to chapter 53.48 RCW; adding a new section to chapter 54.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 54.32 RCW; adding a new section to chapter 56.04 RCW; adding a new section to chapter 56.08 RCW; adding a new section to chapter 56.24 RCW; adding a new section to chapter 56.28 RCW; adding a new section to chapter 56.32 RCW; adding a new section to chapter 56.36 RCW; adding a new section to chapter 57.04 RCW; adding a new section to chapter 57.08 RCW; adding a new section to chapter 57.24 RCW; adding a new section to chapter 57.28 RCW; adding a new section to chapter 57.32 RCW; adding a new section to chapter 57.36 RCW; adding a new section to chapter 57.40 RCW; adding a new section to chapter 57.90 RCW; adding a new section to chapter 85.38 RCW; adding a new section to chapter 86.15 RCW; adding a new section to chapter 87.03 RCW; adding a new section to chapter 87.52 RCW; adding a new section to chapter 87.53 RCW; adding a new section to chapter 87.56 RCW; and repealing RCW 36.93.050 and 36.93.060.

Referred to Committee on Local Government.

HB 1079 by Representatives Haugen, S. Wilson, Basich, Zellinsky, Jones and Jacobsen

AN ACT Relating to compact-authorized educational programs; and amending RCW 28B.80.160.

Referred to Committee on Higher Education.

HB 1080 by Representatives Kremen, Braddock, May, Spanel and Zellinsky

AN ACT Relating to vessel registration; and amending RCW 88.02.030.

Referred to Committee on Transportation.

HB 1081 by Representatives Padden, Appelwick, Dellwo, Rayburn, Rector, Heavey, Basich, Kremen, Jones, Winsley, P. King, Moyer, Silver, Insee, Wineberry, H. Myers, Patrick, Miller, Wolfe, Youngsman, Walker, Van Loven, Sprengle, Nealey, Rasmussen, Brough, May, Brumsickle, Ballard and Anderson; by request of Sentencing Guidelines Commission

AN ACT Relating to vehicular homicide and vehicular assault; amending RCW 9.94A.110; and reenacting and amending RCW 9.94A.030, 9.94A.120, 9.94A.150, and 9.94A.360.

Referred to Committee on Judiciary.

HB 1082 by Representatives Padden, Appelwick, Dellwo, Rector, Heavey, P. King, R. Meyers, H. Myers, Wolfe, Ballard and Anderson; by request of Sentencing Guidelines Commission

AN ACT Relating to seriousness levels for unranked felonies; reenacting and amending RCW 9.94A.120 and 9.94A.320; creating a new section; declaring an emergency; and providing an effective date.

Referred to Committee on Judiciary.

HB 1083 by Representatives Cole, Vekich, R. King, Jones, Anderson, Nelson, Sayan and K. Wilson

AN ACT Relating to duties of employers for industrial insurance purposes; amending RCW 51.28.050; and adding a new section to chapter 51.04 RCW.

Referred to Committee on Commerce & Labor.

HB 1084 by Representatives R. Meyers, Sayan and Vekich

AN ACT Relating to deductions from unemployment compensation weekly benefits amounts for earnings from temporary employment; amending RCW 50.20.130; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1085 by Representatives Ferguson, Dellwo, Day, Heavey, May, Haugen, D. Sommers, Brough, Winsley, Nelson, Beck, R. Meyers, Moyer, Van Luven, Doty, Betrozoff, Sayan, Chandler, Miller, Silver, Rector, Holland, Walker, Rasmussen, Valle and Anderson

AN ACT Relating to coverage of health benefits for neurodevelopmental therapies in employer-sponsored group contracts; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.46 RCW; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1086 by Representatives Ferguson, Rust, Wang, May, Haugen, Winsley, R. Meyers, Betrozoff, Beck, Sayan, Nelson, Miller, Moyer, Dellwo, Heavey, Pruitt, D. Sommers, Walker, Brough, Schoon, Phillips, Spanel, Valle and Anderson

AN ACT Relating to underground storage tanks; amending RCW 19.27.080; adding a new chapter to Title 90 RCW; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Environmental Affairs.

HB 1087 by Representatives Walker, Appelwick, Patrick, Padden, Betrozoff, Peery, Holland, Brumsickle, Schoon, Dorn, Valle, Pruitt, Cole, Locke, Dellwo, Zellinsky, Spanel, Rasmussen, K. Wilson, Tate, Crane, Wineberry, Insee, R. Meyers, Anderson, Rayburn, O'Brien, Jesernig, R. Fisher, Baugher, Rector, Basich, Scott, Wang, Leonard, Grant, Kremen, Jones, Winsley, P. King, Bowman, Moyer, Silver, D. Sommers, Smith, Ferguson, G. Fisher, Morris, Miller, Wolfe, Fuhrman, Youngsman, Van Luven, Sprenkle, Brough, Walk, May, Todd, Doty, Phillips and Ballard

AN ACT Relating to sale of drugs within one thousand feet of a school building; amending RCW 69.50.406 and 13.40.110; and reenacting and amending RCW 9.94A.320.

Referred to Committee on Judiciary.

HB 1088 by Representatives Dellwo, Padden and P. King; by request of Statute Law Committee

AN ACT Relating to correction of statutes affected by vetoes by the governor; amending RCW 9A.56.220, 15.85.050, 19.120.010, 28A.04.178, 28A.58.098, 35.50.050, 35.97.020, 35A.40.210, 38.38.012, 41.04.525, 41.59.020, 42.22.040, 43.20A.360, 43.41.170, 43.81.030, 43.83B.220, 43.88.030, 44.42.040, 46.94.020, 46.94.040, 48.19.500, 48.19.501, 49.70.100, 53.31.040, 63.14.167, 70.22.050, 74.04.660, 74.21.030, 77.21.070, 77.21.080, 80.28.240, and 90.70.060; reenacting and amending RCW 42.17.310; and repealing RCW 43.230.050.

Referred to Committee on Judiciary.

HJM 4001 by Representatives Schmidt, Walk, S. Wilson, Zellinsky, Van Luven, Baugher, R. Fisher, Gallagher, May, Peery, Bowman, Moyer, D. Sommers, Miller, Wolfe, Nealey and Brough

Requesting removal of the highway trust fund and the airport and airway trust fund from the unified federal budget.

Referred to Committee on Transportation.

MOTION

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

MESSAGE FROM THE GOVERNOR

I first met Senator Lowell Peterson when I came to the Senate back in 1971. He was already a recognized leader in many fields, especially in the area of natural

resources. As Chairman of that committee, he was a thoughtful and committed guardian of some of our state's most priceless resources.

Senator Peterson was a tireless and effective advocate for the needs and aspirations of northwest Washington, and especially Skagit County. From the creation of the Padilla Bay Sanctuary and Hart Lake State Park, the protection of many special wild lands in the area, and the North Cascades Highway, Senator Peterson has had a positive impact for which he will be long remembered.

But he was much more than an effective voice for his constituents in northwest Washington. His leadership was essential in gaining protection for children throughout our state through our child safety restraint law. He showed his concern for families all across the state by championing respite care programs to provide support for people caring for elderly and disabled loved ones.

Senator Peterson was a strong supporter of many of the most difficult efforts I have undertaken as Governor. He was also an early and strong supporter when I first ran for Governor in 1984. I am deeply grateful for his loyal support. I would also like to express my thanks and the gratitude of many throughout our state for his recent work as director of the Road Jurisdiction Committee. Their study of state-wide roadway needs provides the blueprint for addressing many of our transportation problems.

I would like to express my sincere appreciation for Senator Lowell Peterson's long years of dedicated service to the people of northwest Washington and our entire state. He will truly be missed.

Booth Gardner, Governor.

POINTS OF PERSONAL PRIVILEGE

Mr. Sayan: Thank you, Mr. Speaker. With the permission of the Speaker I, too, would like to add one or two words on behalf of a colleague and a friend, who I will miss and who shared with me the struggles of the Western States Forestry Practices Task Force jurisdiction on behalf of the Legislature. We worked diligently with our neighbor to the North, Canada, and with our western states on a compact, attempting to ensure an adequate solid wood supply of products for our mills and for export. Lowell Peterson was a person who could give us counsel and guidance from his vast years of experience, both at the local level and at the state government level. He was a personal friend to me and to my wife. We hope that Nancy will somehow recover from this shock. I simply wish to close by saying that we have lost a good friend, a good legislator and a colleague. We trust his memory will remain with us.

Ms. Haugen: Thank you, Mr. Speaker. I, too, would like to say a few words about Senator Peterson. I have the privilege of representing the Concrete area. When you go to Concrete, it is truly the home of Senator Peterson. He lived there for many years and he was the mayor. At one time he represented Concrete in the Skagit area in the State Legislature. In redistricting he lost his roots to those of us who are now privileged to represent it. One never visits that community without hearing and sensing the presence of Senator Peterson. He will not only be missed in this body, but he will also be missed by that upper Skagit Valley who loved him. Although they knew he was no longer their official Senator, he was their Senator. He remembered their thoughtfulness and care. I would hope that those of us, who are privileged to represent that area now, can do the type of job that he did in representing those people. They are very special, as he was. We really appreciate the privilege to take his place. Thank you.

The Speaker assumed the Chair.

Mr. S. Wilson: Thank you, Mr. Speaker. I would like you all to know that friendship transcends politics. I have known Lowell for many years. We have served together on forestry issues through the Multi-State Forestry Task Force. We served together, working on transportation issues that affected the Northwest and the state. He was a good friend. We traveled a lot of miles together and enjoyed a lot of good times. He was highly respected in his district and did a wonderful job for the 40th District and for the State of Washington. I think we will all miss his presence.

Ms. Spanel: Mr. Speaker and members of the House: Having been redistricted into the 40th District a few years ago, I at that time had the opportunity to begin to get acquainted with Senator Peterson. Upon coming to this House two years ago, I really began to understand the term institutional memory, how important it is that there are some members among us who have been here for many years and have memories to share with us. I know for myself that it was a very good way to get started in the House. Lowell served his district very well over the years. I for one certainly appreciate the opportunity to have had him as our Senator and, personally, to have had the opportunity to work with him. Thank you.

MOMENT OF SILENCE

At the request of the Speaker, members of the House of Representatives stood in silence in memory of Senator Lowell Peterson.

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

MOTION

On motion of Mr. Ebersole, House Bill No. 1034 was referred from Committee on Judiciary to Committee on Commerce & Labor.

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Monday, January 16, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, January 16, 1989

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Jacobsen, O'Brien and Schmidt, who were excused.

The Speaker called on Representative R. King to preside.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Wendy Dahl and Michal Whiton.

The Speaker resumed the Chair.

Prayer was offered by The Reverend Henrick Laur, Minister of the Gull Harbor Lutheran Church of Olympia.

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

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4401.

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

INTRODUCTIONS AND FIRST READING

HB 1089 by Representatives Prentice, Patrick, Vekich, Braddock, Wang, Cantwell, Cole, Rust, Leonard, Jones, Nelson, R. Fisher, P. King and R. King

AN ACT Relating to reporting of pesticide-related illness; adding new sections to chapter 70.104 RCW; prescribing penalties; and making an appropriation.

Referred to Committee on Commerce & Labor.

HB 1090 by Representatives Prentice, Patrick, Vekich, Braddock, Wang, Cantwell, Anderson, Cole, Leonard, Jones, Nelson, P. King, R. King and Rust

AN ACT Relating to employer hazard communication programs; amending RCW 49.70.020 and 49.70.115; and adding new sections to chapter 49.70 RCW.

Referred to Committee on Commerce & Labor.

HB 1091 by Representatives Valle, Miller, Scott, Silver, Anderson, Phillips, Spanel, Winsley, Crane, Wood, Rector, Prince, Cole, Patrick, Jones, Pruitt, P. King, Kremen, Hine, McLean, Walker, D. Sommers, K. Wilson, Moyer, G. Fisher, Dorn, H. Myers, Ferguson, Brumsickle, Van Luven, Cooper, Tate and May

AN ACT Relating to advance tuition payments through the higher education trust; adding a new section to chapter 21.20 RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 28B RCW; and creating a new section.

Referred to Committees on Higher Education/Appropriations.

HB 1092 by Representatives Appelwick, May, Day, Smith, Ballard, Heavey, Prince, Haugen, Dellwo, Doty, Schoon, Schmidt, Sayan, Nutley, Patrick, Holland, Rector, P. King and Cooper

AN ACT Relating to excise taxation of amusement devices; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Revenue.

HB 1093 by Representative Day

AN ACT Relating to employer-paid employee contributions; and amending RCW 41.50.140.

Referred to Committee on Appropriations.

HB 1094 by Representatives Jacobsen, Haugen, Horn, Prentice, Betrozoff, Nelson, Heavey, Anderson, Wineberry, May, O'Brien, Cole, Jones, P. King, Wood, K. Wilson, Todd and Sprenkle

AN ACT Relating to property taxes, empowering cities and towns to levy property taxes for acquiring conservation futures and open space, making the city tax a credit upon the county tax; and amending RCW 84.34.230.

Referred to Committees on Local Government/Revenue.

HB 1095 by Representatives Appelwick, Wolfe, P. King, Walker, Ferguson, Sprenkle and May

AN ACT Relating to administrative revocation of drivers' licenses; amending RCW 46.04.480, 46.20.285, 46.20.308, 46.20.311, and 46.20.391; adding new sections to chapter 46.20 RCW; adding a new section to chapter 46.68 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1096 by Representatives Appelwick and May

AN ACT Relating to the recording of federal liens; amending RCW 60.68.015, 60.68.035, and 60.68.045; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1097 by Representatives Appelwick, Locke, O'Brien, Kremen, R. King and Sprenkle

AN ACT Relating to homes for the aged; amending RCW 84.36.040 and 84.36.383; adding new sections to chapter 84.36 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Revenue.

HB 1098 by Representatives Appelwick, Peery, Anderson, Baugher, P. King, R. King, Rayburn, S. Wilson, Smith and Van Luven

AN ACT Relating to credit for military service; and amending RCW 41.32.260.

Referred to Committee on Appropriations.

HB 1099 by Representatives Appelwick, P. King and S. Wilson

AN ACT Relating to the sale of alcoholic beverages; and amending RCW 66.16.040.

Referred to Committee on Commerce & Labor.

HB 1100 by Representatives Valle, Cole, Winsley, Pruitt, Walker, Rasmussen, Prentice, Wineberry, Nelson, Anderson, Scott, Brekke, G. Fisher, Heavey and P. King

AN ACT Relating to special needs support factor; adding new sections to chapter 28A.120 RCW; and creating a new section.

Referred to Committees on Education/Appropriations.

HB 1101 by Representatives H. Sommers, Ferguson, Ebersole, Chandler, Sayan, Belcher, R. Fisher, R. King, Brough, Prince, Anderson, O'Brien, Hankins, Rector, Holland, Baugher, Schoon and McLean; by request of Washington State Library

AN ACT Relating to the operation of an automated bibliographic service by the state library commission; amending RCW 27.26.010, 27.04.045, and 41.06.070; adding new sections to chapter 27.26 RCW; creating a new section; decodifying section 5, chapter Laws of 1989; repealing RCW 27.26.010, 27.26.020, 27.26.030, 27.26.040, 27.26.050, 27.26.060.

27.26.---, 27.26.---, 27.26.---, 27.26.---, 27.26.---, and 27.26.---; providing effective dates; and declaring an emergency.

Referred to Committee on State Government.

HB 1102 by Representatives Wineberry, Appelwick, Brough, Winsley and P. King; by request of Sentencing Guidelines Commission

AN ACT Relating to uniform application of good-time credit statutes; amending RCW 70.48.210; reenacting and amending RCW 9.94A.150; and adding a new section to chapter 9.92 RCW.

Referred to Committee on Judiciary.

HB 1103 by Representatives Vekich, Cole, Patrick, O'Brien, Wang, Winsley, P. King, Beck and May; by request of Attorney General

AN ACT Relating to motor vehicle warranties; amending RCW 19.118.021, 19.118.041, 19.118.061, 19.118.080, 19.118.090, 19.118.100, 19.118.100, 19.118.110, 19.118.150, and 19.118.160; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1104 by Representatives Valle, Van Luven, Rust, Brekke and Phillips; by request of Department of Ecology

AN ACT Relating to the motor vehicle inspection and maintenance program; amending RCW 46.16.015, 70.120.040, 70.120.070, and 70.120.120; adding new sections to chapter 70.120 RCW; repealing section 17, chapter 163, Laws of 1979 ex. sess. (uncodified); and providing an expiration date.

Referred to Committee on Environmental Affairs.

HB 1105 by Representatives R. King, Ballard, McLean, Cole, S. Wilson, Cooper, Winsley, Peery, Brooks, Dorn, D. Sommers, Anderson, Schmidt, H. Myers, Ferguson, Day, Patrick, R. Meyers, Silver, Gallagher, Baugher, Jones, Valle, Morris, Nutley, Brough, Zellinsky, Padden, Rayburn, Ebersole, P. King, Doty, Bowman, May, Horn, Jacobsen, Grant, Dellwo, Rector, Betzoff, R. Fisher, Crane, Sayan, Holland, Schoon, Wood, Inslee, Fuhrman, Moyer, Todd, Sprengle and Brumsickle

AN ACT Relating to recreational fisheries enhancement and management; amending RCW 75.08.012, 75.08.245, and 75.08.011; and adding new sections to chapter 75.08 RCW.

Referred to Committee on Fisheries & Wildlife.

HB 1106 by Representatives Haugen, Ferguson, Cooper, Crane, Nealey and Phillips; by request of Office of State Auditor

AN ACT Relating to local government financial reports; and amending RCW 43.09.230.

Referred to Committee on Local Government.

HB 1107 by Representatives Pruitt, Peery, Walker, Dorn, K. Wilson, Phillips, Cole, G. Fisher, P. King, Anderson, Valle and H. Myers

AN ACT Relating to citizenship education; and adding new sections to chapter 28A-.58 RCW.

Referred to Committee on Education.

HB 1108 by Representative Grant

AN ACT Relating to retirement under the Washington public employee's retirement system at age sixty; and reenacting and amending RCW 41.40.150.

Referred to Committee on Appropriations.

HB 1109 by Representatives O'Brien, McLean, Anderson, Wineberry, Betzoff, G. Fisher, R. Fisher, Sayan, Wang, Pruitt, Baugher, Winsley, P. King, Krømen, H. Meyers, Brumsickle, Rasmussen, Van Luven and Tate

AN ACT Relating to voter registration for high school students; and adding a new section to chapter 28A.03 RCW.

Referred to Committee on Education.

HB 1110 by Representatives O'Brien, McLean, Cooper, Horn, Silver, Anderson, Betrozoff, R. Fisher, Baugher, Winsley, D. Sommers, Miller, Brumsickle, Nutley, Morris and May

AN ACT Relating to ballot pages and the placement of candidates' names thereon; and amending RCW 29.34.085.

Referred to Committee on State Government.

HB 1111 by Representative P. King

AN ACT Relating to county road district levies; and amending RCW 84.55.050.

Referred to Committees on Local Government/Revenue.

HB 1112 by Representatives Spanel, Miller, Jacobsen, Van Luven, K. Wilson, Valle, Prince, Peery, Brekke, Locke, Betrozoff, Nelson and Winsley

AN ACT Relating to excellence in higher education; adding a new chapter to Title 28B RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1113 by Representatives Zellinsky, Schmidt, Crane, Haugen, Scott, Padden, R. Meyers, Heavey, Wolfe, Winsley, Brekke, Moyer, Todd, Sprenkle, Brough and May

AN ACT Relating to driving while under the influence of liquor or drugs; and amending RCW 46.20.308, 46.61.506, 46.61.508, and 46.61.517.

Referred to Committee on Judiciary.

HB 1114 by Representatives Zellinsky, Schmidt, Cooper, Pruitt, Heavey, Sayan, Haugen, Scott, Vekich, Padden, Rector, Jesernig, Winsley and Kremen

AN ACT Relating to special parking privileges for disabled persons; and amending RCW 46.16.381.

Referred to Committee on Transportation.

HB 1115 by Representatives Zellinsky, Schmidt, Baugher, Pruitt, Sayan, Haugen, Scott, Vekich, Padden, Cooper and R. Meyers

AN ACT Relating to legend drugs; and adding a new section to chapter 69.41 RCW.

Referred to Committee on Health Care.

HB 1116 by Representatives Zellinsky, Schmidt, Nutley, Pruitt, Sayan, Kremen, Haugen, Ballard, Vekich, Peery, Cooper, R. Meyers, Betrozoff, Rayburn, Doty and Morris

AN ACT Relating to tourism; and adding a new section to chapter 67.28 RCW.

Referred to Committees on Local Government/Revenue.

HB 1117 by Representatives Patrick, Vekich, R. King, Sayan, Winsley and McLean; by request of Department of Labor and Industries

AN ACT Relating to requirements for workers' compensation employer group participation in the retrospective rating program; and amending RCW 51.16.035.

Referred to Committee on Commerce & Labor.

HB 1118 by Representatives Vekich, Wolfe, R. King, Prentice, Sayan, Winsley and P. King; by request of Department of Labor and Industries

AN ACT Relating to vocational rehabilitation; and amending RCW 51.32.095 and 51.32.097.

Referred to Committee on Commerce & Labor.

HB 1119 by Representatives Locke, Prentice, Wang, Anderson, Belcher, O'Brien, Winsley and R. King; by request of Administrator for the Courts

AN ACT Relating to interpreters in legal proceedings; amending RCW 2.42.010, 2.42-.020, and 2.42.050; and adding new sections to chapter 2.42 RCW.

Referred to Committee on Judiciary.

HB 1120 by Representatives Anderson, Jacobsen, Miller, Leonard, Van Luven, Haugen, Schmidt, Zellinsky, Jones, Rector, O'Brien, P. King, Wood, Dorn, H. Myers and Ferguson

AN ACT Relating to the early childhood telecommunications project; adding a new section to chapter 28A.130 RCW; and making an appropriation.

Referred to Committees on Higher Education/Appropriations.

HB 1121 by Representatives Rust, Moyer, Valle, Nelson, Sprenkle, Cole, Wolfe, Brekke, D. Sommers and Brough

AN ACT Relating to sales of tobacco products; amending RCW 19.91.010, 19.91.150, 82.24.530, and 82.26.010; adding new sections to chapter 70.54 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1122 by Representatives Rust, Winsley, Sprenkle, Schmidt, Nelson, Pruitt, Walk, Valle, Anderson, Heavey and Phillips

AN ACT Relating to special parking privileges for disabled persons; amending RCW 46.16.381; and creating a new section.

Referred to Committee on Transportation.

HB 1123 by Representatives Rust, D. Sommers, Valle, May, Pruitt, Nelson, Ferguson, R. Fisher, Wang, Kremen, Brekke, Sprenkle, Brough and Phillips

AN ACT Relating to chlorofluorocarbons and other ozone depleting chemicals; adding a new section to chapter 70.94 RCW; and creating a new section.

Referred to Committee on Environmental Affairs.

HB 1124 by Representatives Walker, Peery, Betrozoff, Valle, Holland, Brumsickle, Rasmussen, Dorn, Schoon, Cole, Horn, Pruitt, K. Wilson, Leonard, Rayburn, Phillips, G. Fisher, P. King, Jones, Doty, Patrick, Rector, Winsley, Wood, Brekke, Miller, Todd, H. Myers, Ferguson, Spanel and May

AN ACT Relating to the provision of a half-time elementary school counseling program in elementary school buildings which currently do not provide this service; adding new sections to chapter 28A.03 RCW; and making an appropriation.

Referred to Committees on Education/Appropriations.

HB 1125 by Representatives Walker, Haugen, Winsley, Walk and Tate

AN ACT Relating to the withdrawal of territory from metropolitan park districts; and adding a new section to chapter 35.61 RCW.

Referred to Committee on Local Government.

HB 1126 by Representatives Valle, Ferguson, Rust, Van Luven, Crane, Wineberry, Sprenkle, Kremen, D. Sommers and Wolfe

AN ACT Relating to reviewing the combustion toxicity testing of plastic building materials; and creating new sections.

Referred to Committee on State Government.

HB 1127 by Representatives Valle, Heavey, Raiter and Crane

AN ACT Relating to liquor licenses; and amending RCW 66.24.010.

Referred to Committee on Commerce & Labor.

HB 1128 by Representatives O'Brien, Patrick, Anderson, Appelwick, Heavey, G. Fisher, Walk, Dellwo, Rector, Leonard, Jesernig, Crane, Sayan, Locke, Pruitt, Baugher, Winsley, P. King, Wood, Kremen, Rayburn, Ferguson, Smith, Sprenkle, Brumsickle, Tate and May

AN ACT Relating to preventing known drug traffickers from returning to areas and neighborhoods where they are known to be engaged in illegal drug activity; adding a new chapter to Title 10 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1129 by Representatives R. Fisher, McLean, Anderson, Jacobsen, Nelson, Wineberry, Rector, O'Brien, Braddock, Belcher, Wang, R. King, Phillips, Cooper, G. Fisher, Pruitt, Fraser, Leonard, Raiter, Rust, Jesernig, Jones, Crane, Brekke, H. Myers and Spanel

AN ACT Relating to voter registration; amending RCW 35A.29.030; adding a new chapter to Title 29 RCW; repealing RCW 29.07.040; and prescribing penalties.

Referred to Committee on State Government.

HB 1130 by Representatives Wineberry, Appelwick, R. Meyers, Locke, Phillips, Anderson, Jacobsen, Nelson, Todd, Dellwo, Crane, Belcher, Wang, H. Sommers, Rector, O'Brien, Winsley, P. King, Brumsickle and May

AN ACT Relating to neighborhood blight; and adding a new chapter to Title 35 RCW.

Referred to Committee on Local Government.

HB 1131 by Representatives Wineberry, Patrick, O'Brien, Appelwick, Brough, Locke, Anderson, Sayan, Valle, Dellwo, Heavey, Prentice, R. Fisher, P. King, Wang, Crane, Winsley, Kremen, Todd, Dorn, Sprenkle, Brumsickle and May

AN ACT Relating to reckless endangerment; amending RCW 9A.36.050; reenacting and amending RCW 9.94A.320; adding a new section to chapter 9A.36 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1132 by Representatives Wineberry, Patrick, Anderson, Brough, Appelwick, O'Brien, Locke, Sayan, Valle, Dellwo, Heavey, Prentice, R. Fisher, P. King, Wang, Rector, Crane, Winsley, Todd, Dorn, Sprenkle, Brumsickle and May

AN ACT Relating to reckless endangerment; adding a new section to chapter 9A.36 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1133 by Representatives Wineberry, Cantwell, Brough, Kremen, Schoon, Hine, Holland, Rasmussen, Miller, Ebersole, Doty, Locke, Winsley, H. Sommers, Anderson, Wang, Valle, Rust, R. King, Bristow, Sprenkle, Leonard, Vekich, Prentice, Beck, K. Wilson, Rector, Spanel, Cole, Basich, Jones, Braddock, Betzoff, Nelson, Walker, Tate, Heavey, G. Fisher, Crane, O'Brien, Walk, Scott, Patrick, Dellwo, Zellinsky, Jesernig, Belcher, R. Fisher, Sayan, Pruitt, Wood, Brekke, Inslee, Fuhrman, Moyer, Todd, H. Myers, Brumsickle, Van Luven, Phillips, May and P. King

AN ACT relating to encouraging employer involvement in child care facilities development and services; amending RCW 74.13.090 and 74.13.095; adding a new section to chapter 74.13 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1134 by Representatives Wineberry, Locke, Crane, Cole, Dellwo, Nutley, Pruitt, Jones, Vekich, Hargrove, P. King, Todd, Wang, Valle, Brekke, Nelson, Prentice, Leonard, Sayan, Belcher, Phillips, O'Brien, Heavey, Bristow, Morris, Rector, R. Fisher, Winsley and Fuhrman

AN ACT Relating to limited admissibility, with prior judicial approval, of evidence obtained pursuant to interceptions or transmissions of conversations concerning illegal controlled substances; amending RCW 9.73.090; adding a new section to chapter 9.73 RCW; creating new sections; and repealing RCW 9.73.050.

Referred to Committee on Judiciary.

HB 1135 by Representatives Wang, Winsley, Walk, Brough, R. Fisher, Rasmussen, Walker, Wineberry, Patrick, G. Fisher, Scott, Dellwo, Rector, Leonard, Jones, Anderson, O'Brien, Locke, Holland, Pruitt, Baugher, Wolfe, Schoon, Wood, Kremen, R. King, Rayburn, Chandler, D. Sommers, Miller, Todd, Smith, Sprenkle, Brumsickle, Van Luven, Tate, May and P. King

AN ACT Relating to the sale of controlled substances on or near public or private school premises; amending RCW 9.94A.310; adding a new section to chapter 69.50 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1136 by Representatives R. Meyers, Winsley, Wang, Ebersole, Pruitt, Walker, R. Fisher, Dorn, Tate and Walk

AN ACT Relating to superior court judges; amending RCW 2.08.061; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

HCR 4402 by Representatives Valle, S. Wilson, Ebersole, Crane, Brekke, Nelson, Leonard, O'Brien, Miller, Ferguson and May

Urging the Seattle Organizing Committee for the Goodwill Games to put human rights issues on the agenda.

Referred to Committee on State Government.

HCR 4403 by Representatives Rust, Nelson, D. Sommers, R. King, May, Pruitt, Winsley, Anderson, Valle, Sprenkle, Ferguson, G. Fisher, Crane, Wood, Brekke, Inslee, Moyer, Brough and Phillips

Creating a Biospheric Task Force.

Referred to Committee on Environmental Affairs.

MOTION

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

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

REPORT OF STANDING COMMITTEE

January 13, 1989

HB 1020 Prime Sponsor, Representative Vekich: Authorizing collective bargaining for district and municipal court employees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Walker and Wolfe.

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

Absent: Representatives Jones and R. King.

Passed to Committee on Rules for second reading.

The Speaker referred the bill listed on today's committee report under the fifth order of business to the committee so designated.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4605, by Representatives Ballard, Ebersole, Anderson, Appelwick, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard,

Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, The House of Representatives wishes to call attention to the achievements of twenty-year-old Alexandra Asbury, an accomplished ballerina, and express its deepest sorrow to Alexandra and her parents, William Asbury, Director of International Relations and Protocol, and Janet Asbury of Tumwater; and

WHEREAS, Alexandra was tragically injured in an automobile accident on December 30, 1989, while enroute to star in the Utah Ballet Company production of "Carmen"; and

WHEREAS, Alexandra at the age of four first expressed her gift of dance which, through discipline and single-mindedness, she fashioned into an exquisite testament to beauty and grace; and

WHEREAS, Alexandra's gift has provided pleasure and enjoyment to audiences in performances of the Pacific Northwest Ballet's Nutcracker Suite as "Clara" and danced in many performances of other ballets; and

WHEREAS, Last summer Alexandra was singled out for her enormous potential and honored by being selected as one of only two American ballet students to receive a scholarship to the prestigious Royal Danish Ballet's Bournonville Summer Academy in Copenhagen; and

WHEREAS, Alexandra is known to her loved ones as a woman whose artistic beauty is surpassed only by her selflessness and gentle spirit;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, as a body and on behalf of the people, offers fervent hope that the same determination and courage which wrought such elegance and beauty from the desires of a four-year-old child will invigorate her to meet the challenges she now faces with the loving support of her family and friends; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Alexandra Asbury and her parents, Mr. and Mrs. William Asbury.

Mr. Ballard moved adoption of the resolution. Representatives Ballard and Ebersole spoke in favor of adoption of the resolution.

On motion of Ms. Hine, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 89-4605 was adopted.

SPEAKER'S PRIVILEGE

The Speaker recognized Alexandra's father, Mr. William Asbury, who was seated in the gallery.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4603, by Representatives Spanel, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, Senator Lowell Peterson passed away after mounting a series of courageous battles against cancer; and

WHEREAS, Lowell served the 40th Legislative District as the State Senator for twenty-four years; and

WHEREAS, As a City Councilman and Mayor of Concrete before his legislative service, he was a dedicated public servant for over thirty years; and

WHEREAS, He was a dedicated husband and father, statesman and friend; and

WHEREAS, Lowell made many lasting improvements to the communities which stretch from the Cascade Mountains to the San Juan Islands, most prominently the creation of the North Cascade wilderness area and cross-state highway, the Padilla Bay Sanctuary, the Hart Lake State Park, and the renewed use of Northern State Hospital; and

WHEREAS, He made many more contributions to our state policies regarding senior citizens, health insurance, education, natural resources, childcare and transportation; and

WHEREAS, He served eighteen years as Chair of the Natural Resources Committee and six years as Chair of the Senate Transportation Committee and Vice Chair of the Legislative Transportation Committee, and was President of the Good Roads Association; and

WHEREAS, Lowell's ability to resolve problems, with statesmanship and for the benefit of the 40th Legislative District, will always be remembered; and

WHEREAS, Though Lowell had a humble nature, it is recognized by all that he remained proud and retained his dignity to the last;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognizes the legislative accomplishments and the personal qualities of Lowell Peterson and extends the heartfelt sympathy of its members to his family and friends.

Ms. Spanel moved adoption of the resolution. Representatives Spanel, Walk and S. Wilson spoke in favor of adoption of the resolution.

On motion of Ms. Hine, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 89-4603 was adopted.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4400.

MOTIONS

On motion of Mr. Ebersole, House Bill No. 1058 was referred from Committee on Transportation to Committee on State Government.

On motion of Mr. Ebersole, House Bill No. 1066 was referred from Committee on Appropriations to Committee on Capital Facilities & Financing.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4606, by Representatives Miller, Wineberry, Winsley, Schoon, Kremen, Hankins, R. King, Leonard, Nelson, Betzoff, Prince, Wang, Chandler, Walker, Tate, Todd, Van Luven, Phillips, Wood, May, Crane, Inslee, Horn, Schmidt, Brumsickle, Moyer, Bowman, Silver, Ferguson, Brooks, Ballard, D. Sommers, McLean and Youngsman

WHEREAS, January 16, 1989, is the observance of Doctor Martin Luther King, Jr.'s birthday as both a federal holiday and a Washington State legal holiday; and

WHEREAS, We, the members of the House of Representatives, as we gather together, are honored to pay tribute to the sixtieth anniversary of the Reverend Doctor Martin Luther King, Jr., who set an example of leadership and selfless conduct for all of us to follow; and

WHEREAS, The Reverend Martin Luther King, Jr. demonstrated his love of mankind by devoting his life to fighting poverty, prejudice and racial intolerance and by endeavoring to help all human beings live in freedom and with dignity; and

WHEREAS, Doctor King was internationally acclaimed and awarded the Nobel Peace Prize in recognition of his leadership in and dedication to achieving economic, educational and social equality for all persons; and

WHEREAS, This Nobel Laureate by his memory continually reminds us to fulfill his dream, a dream depicting a world of human equality; and

WHEREAS, This great American champion of the oppressed was assassinated while espousing his principles of pacifism and the assassination deeply grieved every citizen of this nation; and

WHEREAS, The Congress of the United States has honored Doctor King by creating a permanent federal holiday to commemorate the anniversary of his birth; and

WHEREAS, The Washington State Legislature has established Doctor King's birthday as a school holiday, and has seen fit to honor this man as has the Congress and other states by declaring his birthday a legal, paid state holiday;

NOW, THEREFORE, BE IT RESOLVED, That on this day, we, the members of the House of Representatives of the State of Washington, pause in our endeavors to pay homage to one of America's most honorable and honored citizens, the Reverend Doctor Martin Luther King, Jr., in order to call to the attention of the residents of this state Doctor King's wisdom and accomplishments and to rededicate ourselves to the pursuit of his principles; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives transmit a copy of this Resolution to the various organizations throughout the state which are dedicated to the achievement of racial equality.

Ms. Miller moved adoption of the resolution. Representatives Miller, Heavey, Prentice and Wineberry spoke in favor of adoption of the resolution.

House Floor Resolution No. 89-4606 was adopted.

SPEAKER'S PRIVILEGE

The Speaker introduced Mr. Isaiah Edwards of Seattle, a longtime civil rights advocate and one of Washington State's most distinguished citizens. Mr. Edwards recited the Reverend Dr. Martin Luther King, Jr.'s "I Have A Dream" speech for the members of the House of Representatives.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Wednesday, January 18, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

TENTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, January 18, 1989

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Appelwick, Dellwo, Ferguson, R. King, Locke, O'Brien, Sayan, Schmidt, H. Sommers, Van Luven, Wang, K. Wilson and Wineberry. On motion of Mr. Jesernig, Representatives Appelwick, O'Brien and Sayan were excused. On motion of Ms. Miller, Representatives Ferguson and Schmidt were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Nick Chiechi and Erin Turner. Prayer was offered by The Reverend Gary Fogelquist, Minister of the Seventh Day Adventist Church of Olympia.

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

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

INTRODUCTIONS AND FIRST READING

HB 1137 by Representatives Baugher, Rayburn, Grant, Bristow, Hargrove, Ballard, R. Meyers, Smith, Patrick, Zellinsky, McLean, Moyer, Bowman, Youngsman and Brumsickle

AN ACT Relating to waste discharge permits; and amending RCW 90.48.160.

Referred to Committee on Environmental Affairs.

HB 1138 by Representatives Baugher, McLean, Crane, Heavey, Rayburn, Haugen, Scott, Grant, Jesernig, Sayan, Hargrove, Rasmussen, Bristow, Ballard, Moyer, Smith, Patrick, Zellinsky, S. Wilson, R. King, Pruitt, Doty, Nealey, Fuhrman, Walk, H. Myers, Rector and Sprengle

AN ACT Relating to honey bees; and adding a new chapter to Title 15 RCW.

Referred to Committee on Agriculture & Rural Development.

HB 1139 by Representatives Heavey, Patrick, O'Brien, Ballard, Sayan, Brough, Dorn, May, Crane, D. Sommers, K. Wilson, Ferguson, Wineberry, Kremen, Grant, Rasmussen, Todd, Anderson, Brekke, Nealey, Jesernig, Cantwell, Scott, Prentice, Zellinsky, S. Wilson, R. Meyers, Smith, G. Fisher, Doty, Winsley, Fuhrman, Basich, Rayburn, Jones, Walk, Valle, Schoon, Youngsman, Beck, Horn, McLean, Phillips, Baugher, Silver, Morris, Rector, Cooper, Miller, Brumsickle, Tate and Sprengle

AN ACT Relating to penalties for violation of the uniform controlled substances act; adding new sections to chapter 69.50 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1140 by Representatives Valle, Silver, Anderson, May, Beck, Rector, Brekke and Wineberry

AN ACT Relating to public opinion polls; adding a new section to chapter 29.04 RCW; and prescribing penalties.

Referred to Committee on State Government.

HB 1141 by Representatives Ferguson, Appelwick, Miller, Heavey, Sayan, Nelson, R. Meyers, Zellinsky, P. King and Winsley

AN ACT Relating to traffic safety education; adding new sections to chapter 28A.08 RCW; and making an appropriation.

Referred to Committees on Education/Appropriations.

HB 1142 by Representatives Winsley, Leonard, Day, Ferguson, Nutley, Padden, Dorn, Todd, Belcher, Anderson, Rector, Wineberry, Locke, Hargrove, R. Meyers, Rasmussen, Valle, Heavey, Jones, Jacobsen, Pruitt, Dellwo, Beck and Brekke

AN ACT Relating to rental assistance for single-parent households receiving aid to families with dependent children; amending RCW 67.70.040, 67.70.190, and 67.70.240; adding a new chapter to Title 74 RCW; making an appropriation; providing an effective date; and providing an expiration date.

Referred to Committees on Housing/Appropriations.

HB 1143 by Representatives Heavey, Brough, O'Brien, K. Wilson, Sayan, May, Dorn, D. Sommers, Jacobsen, Ferguson, Crane, Kremen, Todd, Jones, Vekich, Rasmussen, Brekke, Anderson, Scott, Miller, Cantwell, Wineberry, Bristow, Winsley, Insløe, Patrick, Jesernig, P. King, G. Fisher, Doty, Valle, Dellwo, Wang, R. Fisher, Van Luven, Beck, H. Myers, Locke, Phillips, Cole, Spanel, Rector, Cooper, Tate and Ebersole

AN ACT Relating to business tax credits for companies that assist in the provision of child care; adding new sections to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committees on Trade & Economic Development/Revenue.

HB 1144 by Representatives Winsley, Crane, Padden, Schmidt, Tate, Dorn, R. Meyers, Rasmussen, Valle, Heavey, Anderson, Moyer, Appelwick, Todd, Jones, Ferguson, Patrick, P. King, Kremen, Pruitt, G. Fisher, Dellwo, Rayburn, May, Walk, Beck, O'Brien, Locke, Horn, Insløe, Rector, Brough, Cooper, Brumsickle, Ebersole and Wineberry

AN ACT Relating to burglary; and reenacting and amending RCW 9.94A.320.

Referred to Committee on Judiciary.

HB 1145 by Representatives O'Brien, Patrick, Sayan, Wineberry, Locke, Ferguson, Anderson, Jacobsen, Kremen, Todd, Basich, May, Schoon, Youngsman, Van Luven, Beck, Betzoff, Phillips, Ballard, Baugher, Brough, Miller, Brumsickle and Tate

AN ACT Relating to revocation of driving privileges for drug offenses; amending RCW 46.04.480 and 46.20.311; adding a new section to chapter 10.64 RCW; adding a new section to chapter 69.41 RCW; adding a new section to chapter 69.50 RCW; adding a new section to chapter 69.52 RCW; adding a new section to chapter 46.20 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1146 by Representatives Padden and Moyer

AN ACT Relating to self defense; and amending RCW 9.01.200.

Referred to Committee on Judiciary.

HB 1147 by Representatives May, Sprenkle, McLean, Zellinsky, Rust, Van Luven, Heavey, Brooks, Nealey, Wang, R. Meyers, Jacobsen, Jesernig, Fuhrman, Ferguson, Horn, Walker, Silver, Basich, Rasmussen, Rayburn, Day, Betzoff, Patrick, Kremen, Winsley, Dellwo, Schoon, Ballard, Rector and Brumsickle

AN ACT Relating to vehicle licensing and registration; and amending RCW 46.16.220 and 82.44.060.

Referred to Committee on Transportation.

HB 1148 by Representatives May, Sprenkle, Ferguson, Holland, Valle, Day, Rayburn, Brekke, Cole, Scott, Jones, Wood, Beck, McLean, Walker, Todd, Rasmussen, Patrick, Zellinsky, Leonard and Van Luven

AN ACT Relating to excise taxation of prescription drugs and related devices; amending RCW 82.08.0281 and 82.12.0275; and providing an effective date.

Referred to Committee on Revenue.

HB 1149 by Representatives Dorn, Rasmussen, Walker, Winsley, Baugher, Heavey, Vekich, Grant, Crane, R. Meyers, Patrick, Zellinsky, Anderson, Jesernig, P. King, Kremen, Todd, G. Fisher, Nealey, Valle, Hine, Basich, Rayburn, May, Scott, Cantwell, Jones, Schoon, H. Myers, Phillips, Morris, Inslee, Rector, Brough, Miller, Brumsickle, Ebersole and Wineberry

AN ACT Relating to personal conduct on or near school property; amending RCW 28A.87.055 and 28A.87.060; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1150 by Representatives Dorn, Rasmussen, Winsley, Baugher, Beck, Walker, Crane, Zellinsky, Schmidt, Patrick, Jacobsen, R. Meyers, Todd, G. Fisher, Basich, Rayburn, Walk, Schoon, Youngsman, Brekke, Morris, Rector and Brumsickle

AN ACT Relating to school principals; and adding new sections to chapter 28A.67 RCW.

Referred to Committee on Judiciary.

HB 1151 by Representatives Dorn, Winsley, Peery, R. Meyers, Pruitt, Brumsickle, Rasmussen, Walker, Heavey, Vekich and Grant

AN ACT Relating to grade level certification; amending RCW 28A.70.040; and creating a new section.

Referred to Committee on Education.

HB 1152 by Representatives R. Fisher, McLean, Anderson, Hine, Prince, Hankins, O'Brien, Sayan, Morris, Rector, Silver, Jacobsen, Todd, Pruitt, G. Fisher, Winsley, Wang, Nelson, Beck, Brekke, Phillips, Crane, Cole, Cooper, Miller and Sprenkle; by request of Public Disclosure Commission

AN ACT Relating to gifts and public office funds; amending RCW 42.17.020, 42.17.095, 42.17.240, and 42.17.243; and providing an effective date.

Referred to Committee on State Government.

HB 1153 by Representatives R. Fisher, McLean, Anderson, Sayan, Morris, O'Brien, Hankins, Todd, Nelson, Beck, Phillips, Sprenkle and Wineberry; by request of Public Disclosure Commission

AN ACT Relating to lobbying; amending RCW 42.17.020, 42.17.150, 42.17.155, 42.17.160, 42.17.170, and 42.17.180; adding new sections to chapter 42.17 RCW; and providing an effective date.

Referred to Committee on State Government.

HB 1154 by Representatives R. Fisher, McLean, Anderson, R. King, Rector, O'Brien, Sayan, Morris, Silver, Hankins, G. Fisher, Winsley, Valle, Beck, Brekke, Horn, Phillips, Miller, Ebersole and Wineberry; by request of Public Disclosure Commission

AN ACT Relating to campaign finance reporting; amending RCW 42.17.020, 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.070, 42.17.080, 42.17.100, 42.17.105, 42.17.125, and 42.17.135; reenacting and amending RCW 42.17.090; and providing an effective date.

Referred to Committee on State Government.

HB 1155 by Representative Holland

AN ACT Relating to authorized uses of school district levies; amending RCW 84.52-.053; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1156 by Representatives Holland, Schoon, Horn, Rasmussen and May

AN ACT Relating to establishment of a student's residence at the age of eighteen; and adding a new section to chapter 28A.27 RCW.

Referred to Committee on Education.

HB 1157 by Representatives Holland, Peery, Betrozoff, Ferguson, Cole, Fuhrman, Jones, Walker, Pruitt, Schoon, Rayburn, Winsley, Ebersole, Nealey, Leonard, Brumsickle, May, Prentice, Horn, Rasmussen, Wineberry, Miller, Grant, Anderson, Dorn, Bowman, Moyer and Spanel

AN ACT Relating to sole source purchasing by vocational-technical institutes; and amending RCW 28A.58.135.

Referred to Committee on Education.

HB 1158 by Representatives Holland, Peery, Betrozoff, Cole, Fuhrman, Pruitt, Walker, Jones, Silver, H. Sommers, Brumsickle, Sayan, Nealey, Rayburn, Ebersole, May, Haugen, Baugher, Valle, Leonard, Horn, Rasmussen, D. Sommers, Moyer, G. Fisher, Prentice, Grant, Bristow, Phillips, Miller, Patrick, Jacobsen, Winsley, Kremen, McLean, Crane, Spanel, Inslee and Rector

AN ACT Relating to the Washington school directors' association; amending RCW 28A.61.030; and repealing RCW 28A.61.900.

Referred to Committee on Education.

HB 1159 by Representatives R. Meyers, Hankins, Ebersole, May, Jesernig, Gallagher, Brooks, Sayan, H. Myers, Ferguson, Grant, Doty, Cooper, Leonard, Patrick, S. Wilson, Prince, Dellwo, Basich, Silver, Walker, Zellinsky, P. King, Rector and Wineberry

AN ACT Relating to the regulation of telecommunication companies; amending RCW 80.36.170, 80.36.180, 80.36.150, and 80.36.310; reenacting and amending RCW 80.04.130; and adding new sections to chapter 80.36 RCW.

Referred to Committee on Energy & Utilities.

HB 1160 by Representatives Leonard, Miller, Cole, Holland, Belcher, Winsley, Prentice, Wang, Valle, Pruitt, Sprenkle, Basich, Rasmussen, Nelson, Rust, Jones, Wineberry, Dorn, Bristow, Cantwell, Ebersole, Brooks, Scott, Hine, Moyer, Brekke, Jacobsen, R. King, Kremen, Todd, G. Fisher, Doty, P. King, O'Brien, Locke, Phillips, Crane and Fraser

AN ACT Relating to family support centers; adding a new section to chapter 43.121 RCW; and making an appropriation.

Referred to Committees on Human Services/Appropriations.

HB 1161 by Representatives Ferguson, Cooper, May, Horn, Betrozoff, Haugen and Miller

AN ACT Relating to the preservation of documents recorded or filed with county auditors; amending RCW 36.18.010; adding new sections to chapter 36.18 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1162 by Representatives Hine, G. Fisher, Horn, Ferguson and Haugen

AN ACT Relating to annexation of cities and towns by fire protection districts; amending RCW 35.02.190 and 35.02.200; and adding a new section to chapter 52.04 RCW.

Referred to Committee on Local Government.

HB 1163 by Representatives Haugen and Ferguson

AN ACT Relating to the presentment and filing of claims; and amending RCW 35.31.040.

Referred to Committee on Local Government.

HB 1164 by Representatives O'Brien and Winsley

AN ACT Relating to the real estate recovery fund; amending RCW 18.85.220; adding new sections to chapter 18.85 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1165 by Representatives O'Brien, Ferguson, Winsley, Haugen and Nelson

AN ACT Relating to efficiency in the operation of public ports; creating new sections; and providing an expiration date.

Referred to Committee on Local Government.

HB 1166 by Representatives O'Brien, Patrick, Sayan, Locke, Wineberry, Ferguson, Winsley, R. King, Pruitt, Walker, May, Moyer, K. Wilson, Morris, Brough and Brumsickle

AN ACT Relating to guardianships; and amending RCW 11.88.090 and 11.92.040.

Referred to Committee on Judiciary.

HB 1167 by Representatives O'Brien, Sayan, Winsley, Wineberry, Locke, Phillips and Miller

AN ACT Relating to mandatory application of the child support schedule adopted under RCW 26.19.040; and amending RCW 26.09.060, 26.09.100, 26.09.175, 26.26.137, 26.21.080, 74.20A.055, 74.20A.270, 26.19.001, 26.19.020, and 26.19.040.

Referred to Committee on Judiciary.

HB 1168 by Representatives Appelwick, Padden, Crane, Tate and P. King

AN ACT Relating to the uniform estate tax apportionment act; amending RCW 83.110.010, 83.110.020, 83.110.030, 83.110.050, 83.110.060, 83.110.090, and 11.98.070; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1169 by Representatives Padden, Crane, Tate and P. King

AN ACT Relating to disclaimers of interests by beneficiaries; amending RCW 11.86.090; adding new sections to chapter 11.86 RCW; and repealing RCW 11.86.010, 11.86.020, 11.86.030, 11.86.040, 11.86.050, 11.86.060, and 11.86.070.

Referred to Committee on Judiciary.

HB 1170 by Representatives Padden, Crane, Tate and P. King

AN ACT Relating to powers of appointment; and amending RCW 11.95.060.

Referred to Committee on Judiciary.

HB 1171 by Representatives Cooper, Padden, H. Myers, P. King, R. Meyers, Kremen, Todd, Doty, Peery, Hine, Winsley, Haugen, Fuhrman, Basich, May, Cantwell, Jones, Rayburn, Walk, Sayan, Moyer, K. Wilson, O'Brien, Locke, Wang, Phillips, Rasmussen, Crane, Silver, Morris, Heavey, Rector, Brough, Miller, Brumsickle, Ebersole, Sprengle and Wineberry; by request of Governor Gardner

AN ACT Relating to confinement terms for drug offenders; reenacting and amending RCW 9.94A.320; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1172 by Representatives Belcher, Locke, R. Fisher, Sayan, K. Wilson, Rust, Hine, Miller, Ferguson, Dellwo, Spanel, Fraser and Brough

AN ACT Relating to natural resources conservation areas; amending RCW 79.71.010, 79.71.020, 79.71.030, 79.71.050, 79.71.060, 79.71.070, 79.71.080, 79.71.090, 79.71.100, 79.71.110,

and 82.45.060; adding new sections to chapter 79.71 RCW; making appropriations; and declaring an emergency.

Referred to Committee on Natural Resources & Parks.

HB 1173 by Representatives Appelwick, Padden, Crane, Tate, P. King, Inslee and Sprengle

AN ACT Relating to revision of nonclaim statutes; amending RCW 11.40.010, 11.40.011, 11.40.030, and 4.16.200; adding new sections to chapter 11.40 RCW; and repealing RCW 11.04.270.

Referred to Committee on Judiciary.

HB 1174 by Representatives Phillips, Wood, Haugen, Ferguson, Rayburn, Horn, Raiter, Wolfe, Cooper, Nutley, Todd, Doty, Hine, Winsley, Jones, Nelson, Sayan and Ebersole; by request of Governor Gardner

AN ACT Relating to local government service agreements; adding a new chapter to Title 36 RCW; adding a new section to chapter 36.93 RCW; adding new sections to chapter 43.63A RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 66.08 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.44 RCW; creating a new section; making an appropriation; and providing a contingent effective date.

Referred to Committees on Local Government/Appropriations.

HB 1175 by Representatives Raiter, Horn, Haugen, Ferguson, Wolfe, Rayburn, Wood, Cooper, Nutley, Todd, Doty, Hine, Winsley, Jones, Nelson, Sayan, Phillips, Brough, Ebersole and Sprengle; by request of Governor Gardner

AN ACT Relating to provision of a process to alter local governments; amending RCW 29.30.101; adding a new chapter to Title 36 RCW; adding new sections to chapter 43.63A RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 66.08 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.44 RCW; creating a new section; making an appropriation; and providing a contingent effective date.

Referred to Committees on Local Government/Appropriations.

HB 1176 by Representatives Nelson, May, Jacobsen, Crane and Miller; by request of Washington State Energy Office

AN ACT Relating to energy efficiency improvements in state facilities; adding a new section to chapter 43.21F RCW; and creating a new section.

Referred to Committees on Energy & Utilities/Appropriations.

HB 1177 by Representatives Nelson, Miller, Jacobsen and Silver; by request of Washington State Energy Office

AN ACT Relating to energy conservation; amending RCW 35.92.360 and 54.16.280; and declaring an emergency.

Referred to Committee on Energy & Utilities.

HB 1178 by Representatives Vekich, Patrick, Cole and Wang; by request of Attorney General

AN ACT Relating to water treatment devices; and adding a new chapter to Title 19 RCW.

Referred to Committee on Commerce & Labor.

HB 1179 by Representatives Crane, Winsley, Todd, Silver, Peery, Patrick, Betrozoff, Appelwick, Kremen, Ballard, P. King, Baugher, Rasmussen, Dorn, Hargrove, Jones, Moyer, Scott, Padden, Jesernig, Holland, Rayburn, May, Walk, K. Wilson, H. Myers, Rector, Brumsickle and Sprengle

AN ACT Relating to criminal mental defenses; amending RCW 9A.12.010, 10.77.010, 10.77.020, 10.77.030, 10.77.060, 10.77.070, 10.77.150, 10.77.163, 10.77.165, and 10.77.200; adding new sections to chapter 10.77 RCW; and repealing RCW 10.77.040, 10.77.080, and 10.77.110.

Referred to Committee on Judiciary.

HB 1180 by Representatives Ferguson, Dellwo, Beck, Rust, Wang, Winsley, Van Luven, Nelson, Betrozoff, Chandler, Crane, Bowman, Moyer, Sayan, Spanel, Zellinsky, Dorn, R. King, Pruitt, G. Fisher, Valle, Hine, May, Jones, Walk, K. Wilson, O'Brien, Locke, Brekke, Phillips, Rasmussen, Insee, Rector, Cooper, Miller, Brumsickle and Ebersole

AN ACT Relating to underground petroleum storage tanks; adding a new chapter to Title 70 RCW; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1181 by Representatives Rust and Phillips; by request of Director of Ecology

AN ACT Relating to issuance of public waste disposal general obligation bonds; and amending RCW 43.99F.020.

Referred to Committee on Capital Facilities & Financing.

HB 1182 by Representatives Rust, D. Sommers, G. Fisher, Fraser and Phillips; by request of Director of Ecology

AN ACT Relating to local government roles in hazardous waste siting; and amending RCW 70.105.225.

Referred to Committee on Environmental Affairs.

HB 1183 by Representatives Kremen, Bristow, Patrick, Scott, Holland, Leonard, Braddock, Brekke, Zellinsky, Phillips, Spanel, Silver and Wineberry

AN ACT Relating to information provided to adopting parents; amending RCW 26.33.350; and adding new sections to chapter 26.33 RCW.

Referred to Committee on Human Services.

HB 1184 by Representatives Sayan, Day, Hankins, Ferguson, Zellinsky, O'Brien, Jones, Ballard, Rayburn, Kremen, Doty, Chandler, Dellwo and Miller

AN ACT Relating to retail sales and use taxation of sales between nonprofit organizations; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Revenue.

HB 1185 by Representatives Sayan, Brough, Heavey, Hankins, Day, Zellinsky, Fraser, Ferguson, O'Brien, Jones, Prentice, Leonard, R. Meyers, Hargrove, Rector, Ballard, Rayburn, Kremen, Winsley, Dellwo, Van Luven, Beck and Silver

AN ACT Relating to property tax exemptions; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Revenue.

HB 1186 by Representatives Sayan, Ballard, Zellinsky, O'Brien, Prentice, Leonard, R. Meyers, Hargrove, Rayburn, Anderson, Jacobsen and Winsley

AN ACT Relating to tuition and fee waivers; and amending RCW 28B.15.535.

Referred to Committees on Higher Education/Appropriations.

HB 1187 by Representatives Sayan, Jacobsen, Day, Ferguson, Hankins, Zellinsky, O'Brien, Jones, Prentice, Leonard, Rayburn, Heavey, Basich, Ballard, Dorn, P. King, Winsley, Dellwo and Youngsman

AN ACT Relating to state salary allocations for certificated instructional staff with delayed college graduations; and amending RCW 28A.41.112.

Referred to Committees on Education/Appropriations.

HB 1188 by Representatives Sayan, Ballard, O'Brien, Ferguson, Hankins, Zellinsky, Day, Heavey, Jones, Basich, Leonard, Prentice, Crane, Wineberry, Rector, Rayburn, Winsley and Dellwo

AN ACT Relating to tax credits for the employment of military reservists and Washington national guards; adding a new chapter to Title 82 RCW; and providing an effective date.

Referred to Committee on Revenue.

HB 1189 by Representatives Basich, S. Wilson, Vekich, Dorn, K. Wilson, Heavey, Baugher, Crane, Gallagher, Jones, Jacobsen, Sayan, O'Brien, Betzoff, Bristow, Belcher, Winsley, Dellwo, May, R. Meyers, Kremen, Brumsickle, Prince, Leonard, Anderson, Spanel, Zellinsky, Rasmussen, Ballard, Raiter, Prentice, Hine, Jesernig, P. King, R. King, Todd, G. Fisher, Haugen, Fuhrman, Wang, Van Luven, Moyer, Beck, H. Myers, Brekke, McLean, Phillips, Silver, Insløe, Rector, Brough, Cooper, Miller, Ebersole and Wineberry

AN ACT Relating to a veterans' memorial; adding new sections to chapter 40.14 RCW; and making an appropriation.

Referred to Committee on State Government.

HB 1190 by Representatives Sayan, R. King, S. Wilson, Basich, Jacobsen, P. King, Valle, Haugen, Heavey and Ebersole; by request of Joint Select Committee on Marine and Ocean Resources

AN ACT Relating to the management of ocean and coastal resources; amending RCW 80.50.020; adding a new chapter to Title 43 RCW; adding new sections to chapter 90.58 RCW; creating a new section; and making appropriations.

Referred to Committee on Natural Resources & Parks.

HB 1191 by Representatives R. King, Basich, S. Wilson, Jacobsen, Haugen and Jones; by request of Joint Select Committee on Marine and Ocean Resources

AN ACT Relating to distribution of funds from offshore oil and gas activity on the federal outer continental shelf; adding new sections to chapter 43.63A RCW; and adding a new section to chapter 43.99 RCW.

Referred to Committee on Natural Resources & Parks.

HB 1192 by Representatives Haugen, Ferguson, Kremen, Winsley, Baugher, Fuhrman, Bristow, Rayburn, Nealey, Cooper, Smith, Raiter, Doty, H. Myers, Rasmussen and Miller

AN ACT Relating to conservation districts; and adding new sections to chapter 89.08 RCW.

Referred to Committee on Local Government.

HB 1193 by Representatives O'Brien, Patrick, Sayan, Ballard, Zellinsky, Wineberry, Jones, Baugher, Tate, Ferguson, Brough, Fuhrman, Prentice and Jacobsen

AN ACT Relating to transfer of University of Washington police into the Washington law enforcement officers' and fire fighters' retirement system; amending RCW 41.26.030 and 28B.10.567; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Appropriations.

HB 1194 by Representatives Patrick, Heavey, Miller, Baugher, Chandler, Walk, Brough, Kremen, Ballard, Prentice, D. Sommers, Leonard, Smith, Wood, Van Luven, Ferguson, Betzoff, Cantwell, Fuhrman, Dorn, Bowman, Todd, Pruitt, May, Jones, Beck, K. Wilson, Rasmussen, Crane, Rector and Winsley

AN ACT Relating to a state commission for efficiency and accountability in transportation; adding a new chapter to Title 47 RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Transportation.

HB 1195 by Representatives Wang, Holland, Nelson, Sayan and Brekke; by request of Governor Gardner

AN ACT Relating to a fiscal reform; amending RCW 82.16.050, 82.08.020, 82.03.130, 82.03.140, 43.135.030, 43.135.040, 43.135.050, 43.135.060, 43.135.070, 43.88.530, 43.88.030, 43.88A.020, 43.63A.065, 43.88.110, 43.41.110, 35.21.870, 82.46.010, 82.14.200, 82.44.150, 43.84.092, 84.55.010, 84.55.020, 82.36.025, 46.16.060, 46.16.065, 46.16.079, 46.16.080, 46.16.085, 46.16.090, 46.16.121, 46.16.160, 46.16.310, 46.16.315, 46.16.460, 46.16.505, 46.16.630, 46.44.047, 46.44.0941, 46.44.095, 46.68.030, 46.44.096, 39.34.030, 82.36.440, and 82.38.280; reenacting and amending RCW 46.16.070; adding a new section to chapter 82.04 RCW; adding a new Title 82A to the Revised Code of Washington; adding a new section to chapter 43.41 RCW; adding a new section to chapter 43.03 RCW; adding new sections to chapter 43.88 RCW; adding a new section to chapter 44.48 RCW; adding new sections to chapter 82.02 RCW; adding new sections to chapter 35.21 RCW; adding new sections to chapter 82.14 RCW; adding a new chapter to Title 36 RCW; adding a new section to chapter 46.16 RCW; adding a new chapter to Title 81 RCW; creating new sections; repealing RCW 82.04.300; prescribing penalties; providing an expiration date; making appropriations; providing effective dates; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Revenue.

HB 1196 by Representatives Dellwo, Chandler, Nutley, Winsley and K. Wilson; by request of Insurance Commissioner

AN ACT Relating to cancellation of contracts between insurers and agents; adding a new section to chapter 48.17 RCW; and repealing RCW 48.17.590.

Referred to Committee on Financial Institutions & Insurance.

HB 1197 by Representatives Brekke, Winsley, Brooks, Appelwick, Kremen, Leonard, Phillips, P. King, Braddock, H. Sommers, Ferguson, Moyer, Bristow, Insee and Raiter

AN ACT Relating to administration of antipsychotic medications; and amending RCW 71.05.010, 71.05.020, 71.05.120, 71.05.130, 71.05.200, 71.05.210, 71.05.250, and 71.05.370.

Referred to Committee on Human Services.

HB 1198 by Representatives Nelson, Hankins, Jesernig, R. Meyers, Brooks, Wineberry, Walker, Cole, Miller and Gallagher

AN ACT Relating to cities of the first class that own and operate an electrical utility; and adding a new section to chapter 35.92 RCW.

Referred to Committee on Energy & Utilities.

HB 1199 by Representatives Sayan and Jones

AN ACT Relating to towns; and amending RCW 35.27.370.

Referred to Committee on State Government.

HB 1200 by Representatives Sayan, Ballard, Zellinsky, O'Brien, Jones and Haugen

AN ACT Relating to the purchase of commercial troll licenses; adding new sections to chapter 75.30 RCW; creating a new section; providing an expiration date; and making an appropriation.

Referred to Committee on Fisheries & Wildlife.

HB 1201 by Representatives Sayan, Day and Zellinsky

AN ACT Relating to blood donors; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Health Care.

HB 1202 by Representatives Sayan, Ballard and Winsley

AN ACT Relating to small claims court; and amending RCW 12.40.010.

Referred to Committee on Judiciary.

HB 1203 by Representatives Sayan, Ballard, Zellinsky, Ferguson, O'Brien, Jones, Basich, Prentice, Leonard, Rayburn, Crane, Jacobsen, P. King and Winsley

AN ACT Relating to license plates; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 1204 by Representatives Sayan, O'Brien, Hankins, Heavey, Rayburn, Day, Fraser, Padden, Wineberry, Brough, Ballard, Zellinsky, Ferguson, Jones, Prentice, Leonard, Appelwick, R. Meyers, Locke, Hargrove, Rector, Inslee, P. King, Kremen, G. Fisher, Dellwo, Nelson, Moyer, H. Myers and Brekke

AN ACT Relating to not-for-profit organizations that distribute nonfood necessities to needy persons; amending RCW 82.08.010, 69.80.010, 69.80.020, 69.80.030, 69.80.040, and 69.80.050; reenacting and amending RCW 82.12.010; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating a new section.

Referred to Committee on Revenue.

HB 1205 by Representatives Sayan, O'Brien, Heavey, Day, Ferguson, Ballard, Zellinsky, Jones, Basich, Prentice, Leonard, Rayburn, Rasmussen, Dorn, R. King, R. Meyers, Hargrove, Rector, Anderson, P. King and Kremen

AN ACT Relating to recording of discharges; and amending RCW 73.04.030.

Referred to Committee on Local Government.

HB 1206 by Representatives Sayan, Anderson, Winsley and Nelson

AN ACT Relating to wild mushrooms; adding a new section to chapter 79.01 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

HB 1207 by Representatives Sayan, Ballard, Rayburn and Baugher

AN ACT Relating to port districts; adding a new section to chapter 53.04 RCW; and providing an expiration date.

Referred to Committee on Local Government.

HB 1208 by Representatives Cole, Patrick, R. King, Walker, Jones and Anderson

AN ACT Relating to the certification of court reporters; adding a new chapter to Title 18 RCW; making an appropriation; and providing an effective date.

Referred to Committees on Commerce & Labor/Appropriations.

HB 1209 by Representatives S. Wilson, Haugen, Youngsman, Spanel, Zellinsky and Leonard

AN ACT Relating to county zoning; and amending RCW 36.70.050.

Referred to Committee on Local Government.

HB 1210 by Representatives S. Wilson, Haugen, Youngsman, Spanel, Zellinsky, Leonard and K. Wilson

AN ACT Relating to aquaculture facilities; and adding a new section to chapter 15.85 RCW.

Referred to Committee on Fisheries & Wildlife.

HB 1211 by Representatives Berozoff, Walk, Ferguson, Sprengle, Ballard, S. Wilson, Jacobsen, Holland, Winsley, R. Fisher, Beck, K. Wilson and McLean

AN ACT Relating to fraudulent failure to register a vehicle, vessel, or aircraft; amending RCW 46.16.010; adding a new section to chapter 47.68 RCW; adding a new section to chapter 88.02 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 1212 by Representatives Berozoff and Hankins

AN ACT Relating to telephone exchanges; and amending RCW 80.36.230.

Referred to Committee on Energy & Utilities.

HB 1213 by Representatives Berozoff, Brumsickle, Walker, Silver, Brough, Bowman, Ballard, Ferguson, May and Wood

AN ACT Relating to education; amending RCW 28A.41.140; and adding a new section to chapter 28A.41 RCW.

Referred to Committees on Education/Appropriations.

HB 1214 by Representatives Appelwick, Locke, Patrick, O'Brien and Ferguson

AN ACT Relating to the collection of costs incurred by public officials to abate a public nuisance; and amending RCW 7.48.280 and 9.66.040.

Referred to Committee on Judiciary.

HB 1215 by Representatives Appelwick and Padden

AN ACT Relating to the uniform commercial code; and amending RCW 62A.3-106 and 62A.3-109.

Referred to Committee on Judiciary.

HB 1216 by Representatives H. Sommers, Belcher, Hankins, R. Fisher and Sayan

AN ACT Relating to the committee for deferred compensation; and reenacting and amending RCW 41.04.260.

Referred to Committee on State Government.

HB 1217 by Representatives Cooper, Ferguson, Haugen and Hine

AN ACT Relating to water and sewer districts; and amending RCW 56.08.010, 57.08.010, 56.24.070, 57.24.010, 56.08.100, 57.08.100, 56.08.080, 56.08.090, 57.08.015, and 57.08.016.

Referred to Committee on Local Government.

HB 1218 by Representatives Ferguson, Haugen, Cooper, Nealey, Schoon and Miller

AN ACT Relating to insurance for commissioners of water and sewer districts; and amending RCW 56.08.100 and 57.08.100.

Referred to Committee on Local Government.

HB 1219 by Representatives Ferguson, Haugen, Cooper and Miller

AN ACT Relating to compensation for commissioners of water and sewer districts; and amending RCW 56.12.010 and 57.12.010.

Referred to Committee on Local Government.

HB 1220 by Representatives Nealey, Haugen, Ferguson and Miller

AN ACT Relating to contract projects by water and sewer districts; and amending RCW 56.08.070 and 57.08.050.

Referred to Committee on Local Government.

HB 1221 by Representatives McLean, Vekich, Nealey, P. King, Todd and Silver

AN ACT Relating to auctioneers selling vehicles; amending RCW 46.70.025; adding a new section to chapter 18.11 RCW; and adding a new section to chapter 46.70 RCW.

Referred to Committee on Commerce & Labor.

HB 1222 by Representatives G. Fisher, D. Sommers, Rust, Fraser, Pruitt, Hine, Winsley, May, Phillips, Spanel, Cooper and Ebersole; by request of Department of Ecology and Washington State Patrol

AN ACT Relating to the containment of waste materials; and amending RCW 46.61.655.

Referred to Committee on Environmental Affairs.

HB 1223 by Representatives R. Fisher, McLean, Fraser and Miller; by request of Secretary of State

AN ACT Relating to filing of interlocal cooperation agreements; and amending RCW 39.34.040.

Referred to Committee on State Government.

HB 1224 by Representatives R. Fisher, McLean, Anderson and Miller; by request of Secretary of State

AN ACT Relating to elections to fill short terms; and amending RCW 29.21.140.

Referred to Committee on State Government.

HB 1225 by Representatives R. Fisher, McLean, Anderson, Wang, Miller and Ebersole; by request of Secretary of State

AN ACT Relating to the declaration of candidacy for precinct committee officer; and amending RCW 29.18.031.

Referred to Committee on State Government.

HB 1226 by Representatives R. Fisher, McLean, Anderson and Miller; by request of Secretary of State

AN ACT Relating to presidential elections; amending RCW 29.71.020; and adding a new section to chapter 29.71 RCW.

Referred to Committee on State Government.

HB 1227 by Representatives Nelson, Hankins and Todd; by request of Washington State Energy Office

AN ACT Relating to a comprehensive state hydropower plan; and creating new sections.

Referred to Committee on Energy & Utilities.

HB 1228 by Representatives Cooper, Morris, Raiter, H. Myers, Spanel, S. Wilson, P. King, Youngsman and Walk

AN ACT Relating to food fish; and amending RCW 75.25.090.

Referred to Committee on Fisheries & Wildlife.

HB 1229 by Representatives Haugen, S. Wilson, Hargrove, R. King, P. King, Jones and Kremen

AN ACT Relating to advertising in department of wildlife publications; amending RCW 77.12.170 and 77.12.185; and creating a new section.

Referred to Committee on Fisheries & Wildlife.

HB 1230 by Representatives R. King, S. Wilson, Hargrove, Fuhrman and P. King

AN ACT Relating to the hound stamp; amending RCW 77.08.045 and 77.32.350; adding new sections to chapter 77.12 RCW; creating new sections; and making an appropriation.

Referred to Committee on Fisheries & Wildlife.

HB 1231 by Representatives R. King, S. Wilson, Hargrove and Fuhrman

AN ACT Relating to wildlife management; and amending RCW 77.12.240.

Referred to Committee on Fisheries & Wildlife.

HB 1232 by Representatives Rust, Hankins, Jesernig, Brooks, Jacobsen, Gallagher, May, R. Meyers, Miller, S. Wilson and Inslee

AN ACT Relating to a surveillance fee for low-level radioactive waste disposal; and amending RCW 70.98.085.

Referred to Committee on Energy & Utilities.

HB 1233 by Representative Braddock

AN ACT Relating to licenses for massage practitioners; amending RCW 18.108.070, 18.108.073, and 18.108.095; and repealing RCW 18.108.100 and 18.108.130.

Referred to Committee on Health Care.

HB 1234 by Representatives Braddock, Brough, H. Sommers, Locke, Bristow, Cole, Spanel, Kremen, Crane, Haugen, R. Fisher, Rasmussen, Belcher, Raiter, Holland, Smith, Todd, Chandler, Winsley, Dellwo, Leonard, Fuhrman, May, Schoon, Youngsman, Beck, Brekke, Ballard, Silver, Miller and Brumsickle

AN ACT Relating to teacher certification; amending RCW 28A.70.040 and 28A.04.174; and repealing RCW 28A.70.042.

Referred to Committee on Education.

HB 1235 by Representatives Grant, Peery and Dorn

AN ACT Relating to physical education requirements; and amending RCW 28A.05.040.

Referred to Committee on Education.

HB 1236 by Representatives Rector, Miller, Jesernig, Jacobsen, Doty, Spanel, Wood, Heavey, Van Luven, H. Myers, Fraser, Basich, Inslee, Prince, P. King, Smith, Kremen, Day, G. Fisher, Dellwo, Leonard, Rayburn, Jones, Phillips and Wineberry

AN ACT Relating to tuition and fee waivers; and creating a new section.

Referred to Committees on Higher Education/Appropriations.

HB 1237 by Representatives Appelwick, Patrick, Crane, Moyer, Scott and Schmidt

AN ACT Relating to superior court fees; and reenacting and amending RCW 36.18.020.

Referred to Committee on Judiciary.

HB 1238 by Representatives Bristow, Locke, Haugen, Vekich, Braddock, Dorn and Wineberry

AN ACT Relating to branch campuses of universities; and creating a new chapter in Title 28B RCW.

Referred to Committee on Higher Education.

HB 1239 by Representatives P. King, Schmidt and Scott

AN ACT Relating to a pension plan exemption to the usury statutes; adding a new section to chapter 19.52 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1240 by Representatives Braddock and Morris; by request of Director of Department of Licensing

AN ACT Relating to funeral directors; amending RCW 18.39.035, 18.39.045, 18.39.070, 18.39.100, 18.39.120, 18.39.173, and 18.39.250; reenacting and amending RCW 18.39.150 and 18.39.175; adding a new section to chapter 18.39 RCW; and repealing RCW 18.39.181.

Referred to Committee on Health Care.

HB 1241 by Representative Braddock; by request of Director of Department of Licensing

AN ACT Relating to staggering the terms of the examining board of psychology; and amending RCW 18.83.035.

Referred to Committee on Health Care.

HB 1242 by Representatives R. Fisher, Anderson, Fraser, Belcher, Jacobsen, P. King, Hargrove and Valle

AN ACT Relating to the state employee attendance incentive program; and amending RCW 41.04.340.

Referred to Committee on State Government.

HB 1243 by Representatives R. Fisher, Fraser, Jacobsen, Winsley and P. King

AN ACT Relating to state employees' pay checks; and adding a new section to chapter 41.04 RCW.

Referred to Committee on State Government.

HB 1244 by Representatives R. Fisher, Belcher, Anderson, Winsley, P. King, Hargrove and Van Luven

AN ACT Relating to state employees' accumulation of vacation leave; and amending RCW 43.01.044.

Referred to Committee on State Government.

HB 1245 by Representatives R. Fisher, Belcher, Fraser, Winsley, P. King, Hargrove and Van Luven

AN ACT Relating to floating holidays for state employees; and amending RCW 1.16.050.

Referred to Committee on State Government.

HB 1246 by Representatives R. Fisher, Anderson, Jacobsen, Leonard, Nelson, P. King, Hargrove, Sayan, Brekke and Wang

AN ACT Relating to voter registration; and amending RCW 29.07.160.

Referred to Committee on State Government.

HB 1247 by Representatives R. Fisher, Anderson, Belcher, Fraser, Winsley, P. King, Hargrove, Van Luven, Brekke, Wang and Ebersole

AN ACT Relating to a leave contribution program for state employees; adding new sections to chapter 41.04 RCW; and adding new sections to chapter 43.131 RCW.

Referred to Committee on State Government.

HB 1248 by Representatives Rust, Schoon, Rayburn, Winsley, Rasmussen, Peery, Spanel, Cole, R. King, Kremen, Pruitt, P. King and Brumsickle

AN ACT Relating to education; adding a new section to chapter 28A.100 RCW; and making an appropriation.

Referred to Committees on Education/Appropriations.

HB 1249 by Representatives Rust, D. Sommers, G. Fisher, May, Anderson, S. Wilson, Kremen, Pruitt, Valle, Winsley, Jones, K. Wilson, O'Brien, Locke, Brekke, Phillips, Spanel, Heavey and Miller

AN ACT Relating to plastic in the marine environment; adding a new chapter to Title 79 RCW; making an appropriation; and declaring an emergency.

Referred to Committees on Environmental Affairs/Appropriations.

HB 1250 by Representatives Morris, Prentice, Sayan, G. Fisher, Braddock and Jones; by request of Department of Licensing

AN ACT Relating to the fitting and dispensing of hearing aids; amending RCW 18.35.020, 18.35.040, 18.35.050, 18.35.080, 18.35.090, 18.35.105, 18.35.150, 18.35.190, 18.35.230, 18.35.240, and 18.35.250; and adding a new section to chapter 18.35 RCW.

Referred to Committee on Health Care.

HB 1251 by Representatives Nutley, Zellinsky, Ferguson, Haugen, Cooper, Phillips, Raiter and Rayburn

AN ACT Relating to annexation for municipal purposes; amending RCW 35.13.020, 35.13.060, 35.13.125, 35.13.130, 35A.14.020, 35A.14.050, and 35A.14.120; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; and repealing RCW 35.13.025.

Referred to Committee on Local Government.

HB 1252 by Representatives Prentice, Morris, Wood, Patrick, Braddock, D. Sommers, G. Fisher, Day, Leonard, Ebersole and Wineberry; by request of Department of Licensing

AN ACT Relating to registered nurses; amending RCW 18.88.030, 18.88.050, 18.88.070, 18.88.130, 18.88.140, 18.88.150, 18.88.280, and 18.88.285; and repealing RCW 18.88.180 and 18.88.185.

Referred to Committee on Health Care.

HB 1253 by Representatives Prentice, G. Fisher, Wood, Rasmussen, Day, Leonard and Wineberry; by request of Department of Licensing

AN ACT Relating to nursing assistants; amending RCW 18.52A.030 and 18.52A.040; and repealing RCW 18.52A.060.

Referred to Committee on Health Care.

HB 1254 by Representatives H. Myers, Beck, Morris, R. Meyers, G. Fisher, Peery, Winsley, Wang, May, Jones, P. King, R. Fisher, Sayan, O'Brien, Locke, Crane, Heavey, Inslee, Rector, Brough, Cooper and Brumsickle; by request of Governor Gardner and Attorney General

AN ACT Relating to immunity from civil liability; and adding new sections to chapter 4.24 RCW.

Referred to Committee on Judiciary.

HB 1255 by Representatives Rayburn, Nealey, Jacobsen and McLean; by request of Secretary of State

AN ACT Relating to cooperative associations; amending RCW 23.86.010, 23.86.030, 23.86.050, 23.86.070, 23.86.080, 23.86.090, 23.86.100, 23.86.160, 23.86.195, 23.86.210, 23.86.220, 23.86.230, 15.35.240, 20.01.030, 24.06.360, 43.07.120, 43.07.130, 43.07.190, and 23A.32.050; reenacting and amending RCW 21.20.320; adding new sections to chapter 23.86 RCW; creating a new section; and repealing RCW 23.86.040, 23.86.060, 23.86.110, 23.86.120, 23.86.130, 23.86.140, 23.86.150, 23.86.180, 24.32.010, 24.32.020, 24.32.040, 24.32.050, 24.32.060, 24.32.070, 24.32.080, 24.32.090, 24.32.100, 24.32.110, 24.32.150, 24.32.160, 24.32.200, 24.32.210, 24.32.240, 24.32.250, 24.32.260, 24.32.270, 24.32.280, 24.32.290, 24.32.300, 24.32.310, 24.32.320, 24.32.330, 24.32.340, 24.32.350, 24.32.355, 24.32.360, 24.32.400, 24.32.410, 24.32.900, and 21.20.321.

Referred to Committee on Judiciary.

HB 1256 by Representatives Gallagher, Walk, Cantwell, Prince, Haugen, Kremen, Doty, Winsley, R. Fisher, Betrozoff, Rasmussen, Phillips, Heavey and Ebersole

AN ACT Relating to parking privileges for disabled persons; and amending RCW 46.16.381.

Referred to Committee on Transportation.

HB 1257 by Representatives Gallagher, S. Wilson, Baugher, Crane, R. Meyers, Day, Cantwell, Walk, Haugen and R. Fisher

AN ACT relating to overdimensional load escort services; amending RCW 46.20.045, 46.20.440, 46.20.450, and 46.20.460; adding a new section to chapter 46.04 RCW; adding new sections to chapter 46.44 RCW; and creating new sections.

Referred to Committee on Transportation.

HB 1258 by Representatives Scott, Patrick, Heavey, P. King, R. Meyers, Schmidt, Crane, Tate, Padden, Belcher, Inslee, Moyer, Prentice, Jacobsen, Holland, Kremen, Todd, G. Fisher, Winsley, Basich, Beck, Ballard, Baugher, Silver, Morris, Rector, Brough, Miller and Brumsickle

AN ACT Relating to assaults on law enforcement agency personnel; and amending RCW 9A.36.031.

Referred to Committee on Judiciary.

HB 1259 by Representatives Scott, Cole, Heavey, Padden, Crane, P. King, R. Meyers, Belcher, Schmidt, Moyer, Tate, Patrick, Anderson, Jacobsen, Kremen, Todd, G. Fisher, Doty, Winsley, Baugher and Silver

AN ACT Relating to license fees for guide and service dogs; and adding a new section to chapter 70.84 RCW.

Referred to Committee on Local Government.

HB 1260 by Representatives Vekich, Cole, R. Meyers, Leonard, Hine, Winsley, Jones, Kremen, P. King, R. Fisher, Basich, Sayan and Spanel; by request of Director of Labor and Industries

AN ACT Relating to women and minority races in apprenticeship; amending RCW 49.04.100, 49.04.110, 49.04.120, and 49.04.130; and amending section 1, chapter 183, Laws of 1969 ex. sess. (uncodified).

Referred to Committee on Commerce & Labor.

HB 1261 by Representatives Cole, Leonard and Sayan; by request of Director of Labor and Industries

AN ACT Relating to industrial welfare; amending RCW 49.12.170; adding new sections to chapter 49.12 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1262 by Representatives Vekich, Cole, Sayan and Leonard; by request of Director of Labor and Industries

AN ACT Relating to the establishment of the public works administration account; amending RCW 39.12.070; adding a new section to chapter 39.12 RCW; and making an appropriation.

Referred to Committees on Commerce & Labor/Appropriations.

HB 1263 by Representatives R. Fisher, Nelson, Sayan, Nealey, Silver and Rector; by request of State Auditor

AN ACT Relating to disclosure of improper governmental action; amending RCW 42.40.020, 42.40.030, 42.40.040, 42.40.050, and 42.40.070; and repealing RCW 42.40.060.

Referred to Committee on State Government.

HJM 4002 by Representatives Basich, S. Wilson, Rust, Sayan, Jacobsen, Wang, Jones, Nelson and Heavey; by request of Joint Select Committee on Marine and Ocean Resources

Requesting Congress to amend the outer continental shelf lands act.

Referred to Committee on Natural Resources & Parks.

HJM 4003 by Representatives Basich, S. Wilson, Rust, Sayan, Jacobsen, Pruitt, Jones and Nelson; by request of Joint Select committee on Marine and Ocean Resources

Petitioning Congress to amend the outer continental shelf act.

Referred to Committee on Natural Resources & Parks.

HJM 4004 by Representatives Belcher, Wineberry, R. King, Patrick, Cole, G. Fisher, Winsley, K. Wilson, R. Fisher, Brekke, Nelson, Basich, Sayan, Brough, Wang, Anderson, Braddock, Heavey, O'Brien, Pruitt, Leonard, Walk, Miller, Fraser, Jacobsen, Holland, P. King, Nutley, Todd, Day, Walker, Dellwo, May, Jones, Rust, Phillips, Crane, Brumsickle, Tate and Ebersole

Petitioning Congress to increase the federal minimum wage.

Referred to Committee on Commerce & Labor.

HJR 4201 by Representatives Padden, D. Sommers, Moyer, Patrick, May, Heavey, Brough and Wineberry

Amending the Constitution to increase disclosure of judicial conduct commission activities.

Referred to Committee on Judiciary.

HJR 4202 by Representatives Heavey, May, K. Wilson, D. Sommers, Brekke, Scott, Ferguson, Jesernig, Bowman, Miller and Brumsickle

Amending the Constitution to require that the unfunded liability of public employee retirement systems be retired.

Referred to Committee on Capital Facilities & Financing.

HJR 4203 by Representatives Cooper, Horn, Haugen, Ferguson, Phillips, Rayburn, Raiter, Wood, Wolfe, Nutley, Doty, Hine and Nelson

Amending the Constitution to alter the requirements for changing county boundaries.

Referred to Committee on Local Government.

HJR 4204 by Representatives Raiter, Wolfe, Haugen, Ferguson, Rayburn, Horn, Wood, Cooper, Todd, Doty, Nelson, Phillips and Brough; by request of Governor Gardner

Allowing the review and modification of local government.

Referred to Committee on Local Government.

HJR 4205 by Representatives Wang, Holland, Nelson, Sayan and Brekke; by request of Governor Gardner

Modifying the Constitution to allow for tax reform.

Referred to Committee on Revenue.

HJR 4206 by Representative Brekke

Amending the Constitution to reorganize the legislature.

Referred to Committee on State Government.

MOTION

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

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

REPORT OF STANDING COMMITTEE

January 17, 1989

HB 1022 Prime Sponsor, Representative Spanel: Allowing smelt fishing without a license in one-day fishing derbies. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Bowman, Brooks, Cole, Haugen, Smith, Spanel and Vekich.

Referred to Committee on Rules for second reading.

The Speaker referred the bill listed on today's committee report under the fifth order of business to the committee so designated.

Representatives Dellwo, R. King, Schmidt and Wang appeared at the bar of the House.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4604, by Representative Ebersole

BE IT RESOLVED, That pursuant to HFR 4600, adopted by the House of Representatives on January 9, 1989, and the recommendation adopted on January 13, 1989 by the House Rules Committee, the Permanent House Rules for the Fifty-first Legislature be adopted as follows:

(~~TEMPORARY~~) PERMANENT RULES
OF THE
HOUSE OF REPRESENTATIVES
FIFTY-FIRST LEGISLATURE
1989

(as (~~adopted January 9~~) amended January ---, 1989)

HOUSE RULE NO.

- | | |
|--------|----------------------------------|
| RULE 1 | Definitions |
| RULE 2 | Chief Clerk to Call to Order |
| RULE 3 | Election of Officers |
| RULE 4 | Powers and Duties of the Speaker |
| RULE 5 | Chief Clerk |

RULE 6	Duties of Employees
RULE 7	Admittance to the Floor
RULE 8	Absentees and Courtesy
RULE 9	Bills, Memorials and Resolutions -- Introductions
RULE 10	Amendatory Bills -- Form
RULE 11	Reading of Bills
RULE 12	Amendments
RULE 13	Final Passage
RULE 14	Hour of Meeting, Roll Call and Quorum
RULE 15	Daily Calendar and Order of Business
RULE 16	Motions
RULE 17	Members Right to Debate
RULE 18	Rules of Debate
RULE 19	Ending of Debate -- Previous Question
RULE 20	Voting
RULE 21	Reconsideration
RULE 22	Call of the House
RULE 23	Appeal from Decision of Chair
RULE 24	Standing Committees
RULE 25	Duties of Committees
RULE 26	Free Conference Committee Report
RULE 27	Vetoed Bills
RULE 28	Suspension of Compensation
RULE 29	Standing Rules Amendment
RULE 30	Smoking
RULE 31	Parliamentary Rules
RULE 32	Rules to Apply for Assembly

DEFINITIONS

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

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

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

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

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

CHIEF CLERK TO CALL TO ORDER

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

ELECTION OF OFFICERS

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

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

POWERS AND DUTIES OF THE SPEAKER

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

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

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

remove any person creating any disturbance within the house chamber or legislative area.

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

(D) The speaker shall sign all bills in open session. (Art. II § 32)

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

(F) The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall neither extend beyond adjournment nor authorize the representative so substituted to sign any documents requiring the signature of the speaker.

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

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

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

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

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

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

CHIEF CLERK

RULE 5. The chief clerk shall perform the usual duties pertaining to the office, and shall hold office until a successor has been elected.

The chief clerk shall employ, upon the recommendation of the employment committee and subject to the approval of the speaker, all other house employees; the hours of duty and assignments of all house employees shall be under the chief clerk's directions and instructions, and they may be dismissed by the chief clerk with the approval of the speaker. The speaker shall sign and the chief clerk shall countersign all payrolls and vouchers for all expenses of the house and appropriately transmit the same. In the event of the chief clerk's death, illness, removal or inability to act, the speaker may appoint an acting chief clerk who shall exercise the duties and powers of the chief clerk until the chief clerk's successor shall be elected.

DUTIES OF EMPLOYEES

RULE 6. Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services.

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

ADMITTANCE TO THE FLOOR

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

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

1. Senate officers and members of the senate.
2. Persons in the exercise of official duty directly connected with the business of the house.
3. Reporters who have been designated by the speaker and who have received press cards of admittance, subject to revocation.

4. Former members of the legislature not advocating any pending or proposed legislation, upon presentation of cards of admittance issued by the speaker and subject to revocation.

5. The immediate family of members, upon presentation of cards of admittance issued by the speaker or speaker pro tempore and subject to revocation, may be admitted when the house is not in session.

6. Other persons, upon presentation of cards of admittance issued by the speaker and subject to revocation, may be admitted except for one-half hour prior to the convening of each day's session and for one-half hour immediately following adjournment each day the house is in session.

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

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

ABSENTEES AND COURTESY

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

BILLS, MEMORIALS AND RESOLUTIONS --INTRODUCTIONS

RULE 9. Any member desiring to introduce a bill shall file the same with the chief clerk. Bills filed by ~~((12:00 noon))~~ 10:00 a.m. shall be introduced on the next working day, in the order filed: PROVIDED, That if such introduction is within the last ten days of a regular session, it cannot be considered without a direct vote of two-thirds (2/3) of all the members elected to each house with such vote recorded and entered upon the journal. (Art. II § 36)

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

All bills shall be endorsed with a statement of the title and the name of the member or members introducing the same. The chief clerk shall attach to all bills a substantial cover bearing the title and sponsors and shall number each bill in the order filed. All bills shall be printed unless otherwise ordered by the house.

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

AMENDATORY BILLS -- FORM

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

New sections need not be underlined but shall be designated "NEW SECTION.".

READING OF BILLS

RULE 11. Every bill shall be read on three separate days: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution this rule may be suspended by a majority vote.

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

After the first reading the bill shall be referred to an appropriate committee or committees. Bills referred to more than one committee shall be considered consecutively by the committees in the order set forth in the referral motion.

Upon being reported out of committee, all bills shall be referred to the rules committee. However, bills referred to more than one committee, upon being

reported out of committee, shall be transmitted to the next committee as set forth in the referral motion.

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

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

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

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

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

(D) THIRD READING. Only the last line of bills shall be read on third reading unless a majority of the members present demand a reading in full. No amendments to a bill shall be received on third reading but it may be referred or recommended for the purpose of amendment.

(E) SUSPENSION CALENDAR. Bills on the second reading suspension calendar shall not be subject to amendment or substitution except as recommended in the committee report. When a bill is before the house on the suspension calendar, the question shall be to adopt the committee recommendations and advance the bill to third reading. If the question fails to receive a two-thirds vote of the members present, the bill shall be referred to the rules committee for second reading. If a bill on the suspension calendar has been reported by more than one committee, the question for consideration by the house shall be as directed by the rules committee.

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

~~((F))~~ (G) CONCURRENT RESOLUTIONS. Reading of concurrent resolutions may be advanced by majority vote.

AMENDMENTS

RULE 12. The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 11(E) and as follows:

(A) AMENDMENTS TO BE OFFERED IN PROPER FORM. The chief clerk shall establish the proper form for amendments and all amendments offered shall bear the name of the member who offers the same, as well as the number and section of the bill to be amended.

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

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

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

(E) SCOPE AND OBJECT NOT TO BE CHANGED. No amendment to any bill shall be allowed which shall change the scope and object of the bill. (Art. II § 38)

(F) NO AMENDMENT BY REFERENCE. No act shall ever be revised or amended without being set forth at full length. (Art. II § 37)

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

FINAL PASSAGE

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

(A) RECOMMITMENT BEFORE FINAL PASSAGE. A bill may be recommitted at any time before its final passage.

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

(C) BILLS PASSED -- CERTIFICATION. When a bill passes, it shall be certified to by the chief clerk, said certification to show the date of its passage together with the vote thereon.

HOOR OF MEETING, ROLL CALL AND QUORUM

RULE 14. (A) HOUR OF MEETING. The speaker shall call the house to order each day of sitting at 11:00 A.M., unless the house shall have adjourned to some other hour.

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

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

DAILY CALENDAR AND ORDER OF BUSINESS

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

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

(1) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.

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

(B) ORDER OF BUSINESS. Business shall be disposed of in the following order:

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

Second: Introduction of visiting dignitaries.

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

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

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

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

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

Eleventh: Announcements.

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

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

MOTIONS

RULE 16. Rules relating to motions are as follows:

(A) MOTIONS TO BE ENTERTAINED OR DEBATED. No motion shall be entertained or debated until announced by the speaker and every motion shall be deemed to have been seconded. A motion shall be reduced to writing and read by the clerk, if desired by the speaker or any member, before it shall be debated and by the consent of the house may be withdrawn before amendment or action.

(B) MOTIONS IN ORDER DURING DEBATE. When a motion has been made and seconded and stated by the chair, the following motions are in order, in the rank named:

(1) Privileged motions:

- Adjourn
- Adjourn to a time certain
- Recess to a time certain
- Reconsider
- Demand for division
- Question of privilege
- Orders of the day

(2) Subsidiary motions:

- First rank: Question of consideration
- Second rank: To lay on the table
- Third rank: For the previous question
- Fourth rank: To postpone to a day certain
- To commit or recommit
- To postpone indefinitely

Fifth rank: To amend

(3) Incidental motions:

- Points of order and appeal
- Method of consideration
- Suspension of the rules
- Reading papers
- Withdraw a motion
- Division of a question

(C) THE EFFECT OF POSTPONEMENT -- MOTIONS TO POSTPONE OR COMMIT.

No motion to postpone to a day certain, to commit, to postpone indefinitely being decided shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

(D) MOTIONS DECIDED WITHOUT DEBATE. A motion to adjourn, to recess, to lay on the table and to call for the previous question shall be decided without debate.

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 23.

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

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

MEMBERS RIGHT TO DEBATE

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

(A) RECOGNITION OF MEMBER. When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized.

(B) ORDER OF SPEAKING. When two or more members arise at once, the speaker shall name the one who is to speak.

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house.

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

RULES OF DEBATE

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

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

(B) WITHDRAWAL OF MOTION, BILL, ETC. After a motion is stated by the speaker or a bill, memorial, resolution, petition or remonstrance is read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn by consent of the house at any time before decision or amendment.

(C) READING OF A PAPER. When the reading of any paper is called for and is objected to by any member, it shall be determined by a vote of the house.

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

((F)) (E) ORDER OF QUESTIONS. All questions, whether in committee or in the house, shall be propounded in the order in which they are named except that in filling blanks, the largest sum and the longest time shall be put first.

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

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

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

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

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

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

ENDING OF DEBATE -- PREVIOUS QUESTION

RULE 19. The previous question may be ordered on all recognized motions or amendments which are debatable by a two-thirds (2/3) vote of the members present.

The previous question is not debatable and cannot be amended.

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

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED HOWEVER, That when a bill is on final passage or when the motion to postpone indefinitely is pending, one of the sponsors of the bill or the chair of the committee may have the privilege of closing debate after the previous question has been ordered.

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

VOTING

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

(B) ALL MEMBERS TO VOTE. Every member who was in the house when the question was put shall vote unless, for special reasons, excused by the house.

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

Upon a division and count of the house on the question, only members at their desks within the bar of the house shall be counted.

(C) CHANGE OF VOTE. When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

(D) PRIVATE INTEREST. No member shall vote on any question in which that member is immediately or particularly interested".

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

(E) INTERRUPTION OF ROLL CALL. Once begun, the roll call may not be interrupted. No member or other person shall visit or remain at the clerk's desk while the yeas and nays are being called.

(F) YEAS AND NAYS -- RECORDED VOTES. Upon the final passage of any bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: PROVIDED, HOWEVER, That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. (Art. II § 21)

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

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

(G) TIE VOTE. QUESTION LOSES. In case of an equal division, the question shall be lost.

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

RECONSIDERATION

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

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote was taken: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken.

A motion to reconsider an amendment may be made at any time the bill remains on second reading.

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

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

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

CALL OF THE HOUSE

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

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

(B) SERGEANT AT ARMS TO BRING IN THE ABSENTEES. The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are excused and who are absent without leave.

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

(C) HOUSE UNDER CALL. While the house is under a call, no business shall be transacted except to receive and act on the report of the sergeant at arms; and no other motion shall be in order except a motion to proceed with business under the call of the house or a motion to excuse absentees. The motion to excuse absent members shall not be adopted unless a majority of the members elected vote in favor thereof.

(D) CALL OF HOUSE RAISED WHEN ABSENTEES RETURN. When the sergeant at arms shall make a report showing that all who were absent without leave are present, the call of the house may be dispensed with.

APPEAL FROM DECISION OF CHAIR

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

STANDING COMMITTEES

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

- | | |
|--|----|
| 1. Agriculture & Rural Development | 12 |
| 2. Appropriations | 30 |
| 3. Capital Facilities & Financing | 13 |

4. Commerce & Labor	11
5. Education	19
6. Energy & Utilities	13
7. Environmental Affairs	12
8. Financial Institutions & Insurance	15
9. Fisheries & Wildlife	11
10. Health Care	11
11. Higher Education	14
12. Housing	9
13. Human Services	11
14. Judiciary	19
15. Local Government	14
16. Natural Resources & Parks	11
17. Rules	19
18. Revenue	17
19. State Government	10
20. Trade & Economic Development	13
21. Transportation	27

DUTIES OF COMMITTEES

RULE 25. House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, ((only adequate publicity, as determined by)) the Speaker ((with regard to)) may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject((, shall be required when fifteen (15) days or less remain before a session must end as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution)).

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

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

(D) DUTIES OF STANDING COMMITTEES.

(1) Only such bills as are included on the written notice of a committee meeting may be considered at that meeting except upon the vote of a majority of the entire membership of the committee to consider another bill.

(2) A majority recommendation of a committee must be signed by a majority of the entire membership of the committee in a regularly called meeting before a bill, memorial or resolution may be reported out: PROVIDED, That by motion under the eighth order of business, a majority of the members elected to the house may ((require a committee to report a bill back to the house during the order of business at which it may be considered)) relieve a committee of a bill and place it on the second reading calendar.

~~((Bills referred to the ways and means committee may be assigned to the appropriations or revenue subcommittee by the committee chair. Bills assigned to the appropriations or revenue subcommittee may be acted upon by the assigned subcommittee and recommendations of these subcommittees when signed by a majority of the membership of such subcommittee and approved by the chair of the ways and means committee shall be reported back to the house, except that budget bills shall be acted upon by the whole ways and means committee before being reported back to the house:))~~

Majority recommendations of a committee can only be "do pass", "do pass as amended" or that "the substitute be substituted therefor and that the substitute bill do pass."

(3) Minority reports "do not pass" or "without recommendation" may be submitted with the majority report. Members of the committee not concurring in the

majority report may prepare a written minority report containing a different recommendation, which shall be signed by those members of the committee subscribing thereto.

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

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

(6) All bills having a direct appropriation shall be referred to the ~~((ways and means committee or transportation committee as))~~ appropriate fiscal committee before their final passage. For purposes of this subsection, "fiscal committee" means the appropriations, capital facilities and financing, revenue, and transportation committees.

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

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

FREE CONFERENCE COMMITTEE REPORT

RULE 26. No floor vote may be taken on any free conference report within twenty-four (24) hours of its placement on each member's desk, unless the free conference committee made no changes in the bill as it was last acted upon by the house.

VETOED BILLS

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

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

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

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

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

SUSPENSION OF COMPENSATION

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

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

STANDING RULES AMENDMENT

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

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

SMOKING

RULE 30. Smoking of cigarettes, pipes or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within the House Chamber.

"No smoking" signs shall be posted in all committee rooms of the house of representatives.

PARLIAMENTARY RULES

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

RULES TO APPLY FOR ASSEMBLY

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

Mr. Ebersole moved adoption of the resolution.

Ms. Brough moved adoption of the following amendment:

On page 6, line 297, following "CALENDAR" insert "Bills may be placed on the second reading suspension calendar by the rules committee if at least two minority party members of the rules committee join in such motion."

Representatives Brough and Ebersole spoke in favor of adoption of the amendment.

Mr. May demanded an electric roll call vote on all amendments to House Floor Resolution No. 89-4604, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Brough to House Floor Resolution No. 89-4604, and the amendment was adopted by the following vote: Yeas, 84; absent, 10; excused, 4.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dorn, Doty, Ebersole, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprengle, Tate, Todd, Valle, Vekich, Walk, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 84.

Absent: Representatives Chandler, Dellwo, King R, Locke, Nelson, Sommers H, Van Luven, Wang, Wilson K, Wineberry - 10.

Excused: Representatives Appelwick, Ferguson, O'Brien, Sayan - 4.

Representatives Locke, Sayan, H. Sommers, Van Luven, K. Wilson and Wineberry appeared at the bar of the House.

The Clerk read the following amendment by Representatives Brough, Fuhrman and May:

On page 6, line 299, after "report" insert "if at least two minority party members of the rules committee voted for the suspension calendar"

With consent of the House, the amendment was withdrawn.

Ms. Brough moved adoption of the following amendment by Representatives Brough, Fuhrman and May:

On page 6, line 302, after "present," insert "or if a floor amendment is offered"

Representatives Brough, Silver, May, Fuhrman and Padden spoke in favor of adoption of the amendment, and Representatives Ebersole and Heavey spoke against it.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 6, line 302, by Representatives Brough, Fuhrman and May to House Floor Resolution No. 89-4604, and the amendment was not adopted by the following vote: Yeas, 34; nays, 60; absent, 1; excused, 3.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 34.

Voting nay: Representatives Anderson, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 60.

Absent: Representative Todd - 1.

Excused: Representatives Appelwick, Ferguson, O'Brien - 3.

Representative Appelwick appeared at the bar of the House.

Ms. Brough moved adoption of the following amendments by Representatives Brough, Fuhrman and May:

On page 8, line 389, after "the" insert "sixth or" and on page 14, line 788, after "the" insert "sixth or"

Representatives Brough and Patrick spoke in favor of adoption of the amendments, and Mr. Ebersole spoke against them.

ROLL CALL

The Clerk called the roll on the adoption of the amendments on page 8, line 389 and on page 14, line 788, by Representatives Brough, Fuhrman and May to House Floor Resolution No. 89-4604, and the amendments were not adopted by the following vote: Yeas, 34; nays, 60; absent, 2; excused, 2.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 34.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 60.

Absent: Representatives Bristow, Kremen - 2.

Excused: Representatives Ferguson, O'Brien - 2.

The Clerk read the following amendment by Representatives Brough, Fuhrman and May:

On page 12, line 652, after "before" insert "or after"

With consent of the House, the amendment was withdrawn.

Mr. Padden moved adoption of the following amendment:

On page 12, lines 658-659, strike "~~((and a recorded vote shall be taken))~~" and insert "and a recorded vote shall be taken"

Mr. Padden spoke in favor of adoption of the amendment, and Representatives Ebersole and Heavey spoke against it. Mr. Padden again spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Padden to House Floor Resolution No. 89-4604, and the amendment was not adopted by the following vote: Yeas, 35; nays, 58; absent, 3; excused, 2.

Voting yea: Representatives Ballard, Beck, Betzoff, Bowman, Bristow, Brooks, Brough, Brumsickle, Chandler, Doty, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 35.

Voting nay: Representatives Anderson, Baugher, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Haugen, Heavey, Hine, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 58.

Absent: Representatives Appelwick, Basich, Hargrove - 3.

Excused: Representatives Ferguson, O'Brien - 2.

Ms. Silver moved adoption of the following amendment by Representatives Brough, Fuhrman and May:

On page 12, line 665, after "senate," insert "Since reconsideration is a privileged motion under House Rule 16(B)(1) no bill shall be transmitted to the senate until the house has adjourned for the day unless an earlier transmittal shall have been ordered by a vote of two-thirds of the members present."

Ms. Silver spoke in favor of adoption of the amendment, and Mr. Ebersole spoke against it. Ms. Silver again spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 12, line 665, by Representatives Brough, Fuhrman and May to House Floor Resolution No. 89-4604, and the amendment was not adopted by the following vote: Yeas, 34; nays, 60; absent, 2; excused, 2.

Voting yea: Representatives Ballard, Beck, Betzoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 34.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky - 60.

Absent: Representatives Valle, and Mr. Speaker - 2.

Excused: Representatives Ferguson, O'Brien - 2.

Ms. Brough moved adoption of the following amendment by Representatives Brough, Fuhrman and May:

On page 14, after line 772, insert "No bill may be placed on final passage unless that bill shall have had at least one public hearing before a standing or select committee of the house."

Representatives Brough, Padden and Walker spoke in favor of adoption of the amendment, and Representatives Ebersole and Heavey spoke against it.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 14, line 772, by Representatives Brough, Fuhrman and May to House Floor Resolution No. 89-4604, and the amendment was not adopted by the following vote: Yeas, 34; nays, 61; absent, 1; excused, 2.

Voting yea: Representatives Ballard, Beck, Betzoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 34.

Voting nay: Representatives Anderson, Appelwick, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel,

Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K. Wineberry, Zellinsky, and Mr. Speaker - 61.

Absent: Representative Basich - 1.

Excused: Representatives Ferguson, O'Brien - 2.

The Speaker stated the question before the House to be the adoption of House Floor Resolution No. 89-4604 as amended.

Mr. Ebersole spoke in favor of adoption of the resolution as amended, and Ms. Brough spoke against it.

ROLL CALL

The Clerk called the roll on the adoption of House Floor Resolution No. 89-4604 as amended, and the resolution was adopted by the following vote: Yeas, 63; nays, 33; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K. Wineberry, Zellinsky, and Mr. Speaker - 63.

Voting nay: Representatives Ballard, Baugher, Beck, Betzoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Fuhrman, Hankins, Holland, Horn, May, McLean, Moyer, Nealey, Padden, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 33.

Excused: Representatives Ferguson, O'Brien - 2.

MOTION

On motion of Mr. Ebersole, House Bill No. 1076 was referred from Committees on Local Government/Revenue to Committees on Natural Resources & Parks/Revenue.

On motion of Mr. Ebersole, House Bill No. 1103 was referred from Committee on Judiciary to Committee on Commerce & Labor.

On motion of Mr. Ebersole, House Bill No. 1126 was referred from Committee on State Government to Committee on Environmental Affairs.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4607, by Representatives Cole, Rust, Appelwick and Jacobsen

WHEREAS, Shorecrest High School's Highlander Marching Band has received the honor of being selected to represent the great State of Washington at the Inaugural Parade of the Honorable George Herbert Walker Bush in Washington, D.C. who will serve as the 41st President of these United States of America; and

WHEREAS, The Highlander Marching Band numbers one hundred forty-four accomplished student musicians and team members, including the traditional band members; a bagpipe and Scottish drum regiment; the "Lassies," a synchronized drill ensemble; the "Tail Flags" drill team which bear decorative banners through the parade; and a group of enthusiastic and skilled cheerleaders; and

WHEREAS, Band Director Ken Noreen has shown outstanding commitment to the Shorecrest Music Department in developing such an attractive band program that thirty-seven percent of the student body participate in a music program; and

WHEREAS, Each band member has committed hours of after-school time toward practice to perfect the unique sound and presentation in which the Shorecrest High School Highlander Band prides itself; and

WHEREAS, Tim Osborne and Don MacKay have taken their special talent of bagpipe playing and passed that knowledge and skill on to the members of the Highlander's Marching Band; and

WHEREAS, The band members, through their momentous performance, have brought due pride to their relatives, friends, teachers, administrators, fellow Shorecrest students, the Shoreline School District and the people of the State of Washington during our centennial anniversary of statehood;

NOW, THEREFORE, BE IT RESOLVED, That the distinguished members of the Washington State House of Representatives do hereby recognize and honor the students and instructors of the Shorecrest High School Highlander Marching Band and commend their success and accomplishment; and

BE IT FURTHER RESOLVED, That it is with great pride that the House of Representatives extends its heart-felt congratulations to the Shorecrest High School Highlander Marching Band and wishes each member of the band and staff the best of luck in Washington, D.C. and in all future endeavors; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mr. Ken Noreen, to the Principal of Shorecrest High School and to the Shoreline School District Board.

Ms. Cole moved adoption of the resolution. Representatives Cole, Rust and Jacobsen spoke in favor it.

House Floor Resolution No. 89-4607 was adopted.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Friday, January 20, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

TWELFTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, January 20, 1989

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Bristow, Ferguson and O'Brien. On motion of Mr. Jesernig, Representatives Bristow and O'Brien were excused. On motion of Mr. D. Sommers, Representative Ferguson was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sally Cordell and Aaron Kiesser. Prayer was offered by The Masters of Reflection, a singing group from Spokane directed by Mr. Woody Widmer.

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

MESSAGE FROM THE SENATE

January 18, 1989

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,

HOUSE CONCURRENT RESOLUTION NO. 4401,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 1264 by Representatives Nealey, Haugen, Ferguson, McLean, Horn, Cooper and Moyer

AN ACT Relating to vital statistics registration; and amending RCW 70.58.030.

Referred to Committee on Local Government.

HB 1265 by Representatives Todd, Holland, Zellinsky, Brumsickle, Ballard, Day, Crane, Heavey, Gallagher, O'Brien, Kremen, Rayburn, Scott, Belcher, Dorn, Bowman, Prince, Spanel, Wineberry, Baugher, Patrick, S. Wilson, Anderson, Winsley, Morris, Dellwo, Prentice, Leonard, Chandler, Rector, Cole, Betrozoff, Basich, Locke, Smith, Jones, Nelson, R. King, P. King, Phillips, Pruitt, Schmidt, Rasmussen, Jacobsen, Doty and Van Luven

AN ACT Relating to the teachers' retirement system; adding a new section to chapter 41.32 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1266 by Representatives P. King, Winsley, Sayan, Cole, Appelwick, Jacobsen, Bristow, Wineberry and Valle

AN ACT Relating to basic education allocation of funds; amending RCW 28A.41.140; and creating a new section.

Referred to Committees on Education/Appropriations.

HB 1267 by Representatives Vekich, Jones, Cole, Wang and Leonard

AN ACT Relating to self-insured industrial insurance claims; amending RCW 51.52-.130; and adding new sections to chapter 51.28 RCW.

Referred to Committee on Commerce & Labor.

HB 1268 by Representatives Prentice, Vekich, Cole, Wang and Leonard

AN ACT Relating to payment of medical expenses by self-insurers; and adding a new section to chapter 51.14 RCW.

Referred to Committee on Commerce & Labor.

HB 1269 by Representatives Vekich, Cole and Leonard

AN ACT Relating to workers' compensation; and amending RCW 51.32.090 and 51.32.095.

Referred to Committee on Commerce & Labor.

HB 1270 by Representatives Vekich, Patrick, Walker, Cole, Leonard and Winsley

AN ACT Relating to gifts of liquor; and amending RCW 66.04.010.

Referred to Committee on Commerce & Labor.

HB 1271 by Representatives Wang, Patrick, Cole, Leonard, Winsley and P. King

AN ACT Relating to liquor license consolidation and fees; amending RCW 66.24.420, 66.28.010, 66.24.455, 66.44.340, and 66.44.350; adding new sections to chapter 66.24 RCW; repealing RCW 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.370, 66.24.375, 66.24.380, 66.24.490, 66.24.500, and 66.24.510; providing effective dates; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1272 by Representatives Wang, Patrick, Walker, Cole, Leonard, Winsley and P. King

AN ACT Relating to the sale of spirits by Class H licensees; and amending RCW 66.24.400.

Referred to Committee on Commerce & Labor.

HB 1273 by Representatives Cooper, Patrick, Hargrove, Ferguson, Moyer, Basich, Vekich, Wolfe, Jones, Sayan, Wood, Baugher, Crane and Horn

AN ACT Relating to the recall of county officials; and amending RCW 36.16.134.

Referred to Committee on Judiciary.

HB 1274 by Representatives Haugen, S. Wilson, R. King, Brooks, Morris, Hargrove, Anderson, Rector and P. King

AN ACT Relating to natural resource enforcement; creating new sections; and providing an effective date.

Referred to Committee on Fisheries & Wildlife.

HB 1275 by Representatives Haugen, Winsley, Appelwick, Ferguson, Cooper and Wang

AN ACT Relating to property taxes; amending RCW 84.52.054, 17.28.100, 17.28.252, 35.58.090, 35.58.116, 35.61.210, 36.58.150, 36.60.040, 36.68.480, 36.69.140, 36.83.030, 56.04.050, 57.04.050, 67.38.130, 70.44.060, 70.94.091, 84.52.010, 84.52.043, 84.52.052, 84.52.053, 84.52.056, 84.52.100, and 84.69.020; reenacting and amending RCW 36.68.520; repealing RCW 29.30.111, 36.68.525, 36.69.145, and 84.52.069; and providing a contingent effective date.

Referred to Committee on Revenue.

HB 1276 by Representatives Haugen, Winsley, Appelwick, Ferguson, H. Sommers and Cooper

AN ACT Relating to unincorporated activity districts; amending RCW 36.75.060, 35.02.140, 35.02.180, 35.02.220, 35.07.110, 35.13.270, 35A.14.310, 35A.14.801, 36.08.040, 36.16.110, 36.33.220, 36.75.240, 36.82.020, 36.82.030, 36.82.040, 36.83.010, 45.12.080, 45.72.030, 45.72.040, 45.72.050, 45.72.060, 46.68.080, 47.04.040, 54.28.010, 84.04.120, 84.40.090, 84.40.100, 84.52.010, 84.52.043, 84.52.052, 84.64.230, 84.69.010, 85.07.040, and 85.08.370; reenacting and amending RCW 46.68.124; and adding new sections to chapter 36.75 RCW.

Referred to Committee on Local Government.

HB 1277 by Representatives Walk, Schmidt, R. Fisher and May; by request of Governor Gardner

AN ACT Relating to transportation taxes; amending RCW 82.36.025, 46.16.090, 46.44-.0941, 46.44.095, and 46.44.096; reenacting and amending RCW 46.16.070; adding a new section to chapter 46.44 RCW; providing effective dates; and declaring an emergency.

Referred to Committee on Transportation.

HB 1278 by Representatives G. Fisher, Wood, Cantwell, Winsley, Rector, Walk, Phillips, Hine and Sprengle; by request of Governor Gardner

AN ACT Relating to the membership of the transportation board; and amending RCW 47.26.121.

Referred to Committee on Transportation.

HB 1279 by Representatives Inslee, Todd, Nutley and Winsley; by request of Director of Labor and Industries

AN ACT Relating to codes for factory built housing; and amending RCW 43.22.480.

Referred to Committee on Housing.

HB 1280 by Representatives R. King, Belcher, Beck, Basich, S. Wilson, Sayan, P. King and Jacobsen; by request of Joint Select Committee on Marine and Ocean Resources

AN ACT Relating to marine geologic exploration; amending RCW 90.58.550; reenacting and amending RCW 42.17.310; adding a new section to chapter 42.17 RCW; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Natural Resources & Parks.

HB 1281 by Representatives Belcher, Beck, R. King, Cole, Sayan and P. King; by request of Joint Select Committee on Marine and Ocean Resources

AN ACT Relating to the taxation of mineral resource production; amending RCW 82.32.045; adding a new chapter to Title 82 RCW; adding a new section to 84.36 RCW; and adding a new section to chapter 43.99 RCW.

Referred to Committees on Natural Resources & Parks/Revenue.

HB 1282 by Representatives Walk, Schmidt and Baugher

AN ACT Relating to the definition of motor carrier freight brokers and forwarders; and amending RCW 81.80.010 and 81.80.430.

Referred to Committee on Transportation.

HB 1283 by Representatives Zellinsky, Chandler, Dellwo, Crane, Day, P. King, Schmidt, Winsley, Beck, Anderson, Nutley, Dorn, K. Wilson, Baugher, Betzoff and Silver

AN ACT Relating to check cashers and sellers; amending RCW 19.60.010 and 19.60-.066; adding a new chapter to Title 31 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1284 by Representatives Haugen, Ferguson, Jones, Kremen, Wood, Horn and Sprengle

AN ACT Relating to abandoned property held by local government; amending RCW 63.29.190; adding a new section to chapter 63.29 RCW; and declaring an emergency.

Referred to Committee on Local Government.

HB 1285 by Representatives Prince, Jacobsen, Van Luven, Spanel, R. King, Basich, Jesernig, Rayburn, Nelson, Wineberry, Kremen, Wood, Locke, Rector, O'Brien, K. Wilson and Silver

AN ACT Relating to services and activities fee programs; and amending RCW 28B.15.045.

Referred to Committee on Higher Education.

HB 1286 by Representatives Cantwell, Nealey, Basich, Prince, Moyer and P. King

AN ACT Relating to removal of property from industrial development districts; and amending RCW 53.25.040.

Referred to Committee on Trade & Economic Development.

HB 1287 by Representatives Day, Chandler, Crane, Winsley, Dellwo, Schmidt and P. King

AN ACT Relating to the license renewal of escrow officers; and amending RCW 18.44.300.

Referred to Committee on Financial Institutions & Insurance.

HB 1288 by Representatives Jacobsen, Todd, S. Wilson, R. Meyers, May, Anderson, Wang, Cole, P. King, Pruitt, Appelwick and Walker

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

Referred to Committee on Energy & Utilities.

HB 1289 by Representatives Cole, Patrick, Vekich, Leonard, Walker, Jones, Wolfe, Prentice and Smith

AN ACT Relating to authorized business entertainment practices by liquor manufacturers, importers, or wholesalers; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Commerce & Labor.

HB 1290 by Representatives K. Wilson and Beck

AN ACT Relating to the Washington coordinate system; amending RCW 58.20.010, 58.20.020, 58.20.030, 58.20.050, 58.20.060, 58.20.070, 58.20.080, and 58.20.090; adding new sections to chapter 58.20 RCW; and repealing RCW 58.20.010, 58.20.020, 58.20.030, 58.20.040, 58.20.050, 58.20.060, 58.20.070, 58.20.080, 58.20.090, and 58.20.900.

Referred to Committee on Natural Resources & Parks.

HB 1291 by Representatives Belcher, Brumsickle, Sayan, Wang, K. Wilson, Raiter, Dellwo, Bowman, Day, Rector, Nelson, Todd, Jacobsen and Sprengle

AN ACT Relating to the scenic river system; amending RCW 79.72.080; and adding a new section to chapter 79.72 RCW.

Referred to Committee on Natural Resources & Parks.

HB 1292 by Representatives Braddock, Ballard, Vekich, D. Sommers, Day, Chandler, Wolfe, Brooks, Rector, May, Brekke and Spanel

AN ACT Relating to implementation of voluntary substance abuse monitoring programs for the regulated health professions; adding a new section to chapter 18.32 RCW; adding a new section to chapter 18.92 RCW; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Health Care.

HB 1293 by Representatives G. Fisher, Cantwell, Doty, Schoon, Rasmussen, Raiter, Moyer, Rector, R. King, Todd, McLean and P. King; by request of Director of Trade and Economic Development

AN ACT Relating to the community economic revitalization board; and amending RCW 43.160.060.

Referred to Committee on Trade & Economic Development.

HB 1294 by Representatives Rector, Cantwell, Doty, Schoon, Rasmussen, Moyer, Raiter, Day, Peery, Wineberry, Winsley, Dorn, Morris, Dellwo, Heavey, Prentice, Leonard, Valle, Wang, G. Fisher, Basich, Kremen, Jones, Cooper, Walk, R. King, Phillips, Hine, Todd, Pruitt, Brekke, H. Myers, Ebersole, Jacobsen, Insee, Crane, Sprengle and P. King

AN ACT Relating to the Washington employment futures act; amending RCW 50.04.075; adding a new chapter to Title 50 RCW; adding a new section to chapter 50.16 RCW; adding a new section to chapter 50.24 RCW; adding new sections to chapter 50.29 RCW;

adding new sections to chapter 43.13 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1295 by Representatives Haugen, Prince and May

AN ACT Relating to the movement of unprocessed logs in intrastate commerce; and amending RCW 81.80.040.

Referred to Committee on Transportation.

HB 1296 by Representatives Haugen, S. Wilson, Zellinsky, Smith and Baugher

AN ACT Relating to bicyclists; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 1297 by Representatives Zellinsky, Youngsman, Pruitt, S. Wilson, Schoon, Sayan, Brough, R. Fisher, Haugen, Schmidt, Jacobsen and Spanel; by request of Governor Gardner

AN ACT Relating to motor vehicle excise tax; and amending RCW 82.44.020.

Referred to Committee on Transportation.

HB 1298 by Representatives R. King, Winsley, Vekich, Baugher, Leonard, Gallagher, Sayan, Cole, Walk, Prentice, Heavey, Dellwo, Belcher, Scott, Rector, Basich, Jones, Nelson, Phillips, Pruitt, Brekke and Ebersole

AN ACT Relating to prevailing wages on public works projects; amending RCW 39.12.042; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1299 by Representatives Leonard, Patrick, Vekich, Baugher, R. King, Winsley, Gallagher, Sayan, Cole, Walk, Prentice, Heavey and Betrozoff

AN ACT Relating to employers' payment of industrial insurance premiums and unemployment compensation contributions; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1300 by Representatives Vekich, Winsley, Leonard, Baugher, R. King, Gallagher, Sayan, Cole, Walk, Prentice and Heavey

AN ACT Relating to industrial insurance medical aid fund premiums; and repealing RCW 51.16.140.

Referred to Committee on Commerce & Labor.

HB 1301 by Representatives D. Sommers, Rust, Walker, Sprengle, Valle, Schoon, Pruitt, Phillips, Nealey, G. Fisher, Brekke, Fraser, Moyer, Rector and Silver

AN ACT Relating to radon studies and education; amending RCW 70.98.050; adding a new section to chapter 70.98 RCW; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Environmental Affairs.

HB 1302 by Representatives D. Sommers, Rust, Sprengle, Valle, Nealey, Pruitt, Brekke, Fraser, Moyer, Rector and R. King

AN ACT Relating to indoor air quality; adding a new section to chapter 19.27 RCW; and declaring an emergency.

Referred to Committee on Environmental Affairs.

HB 1303 by Representatives Rayburn, McLean, Nealey, Jesernig, Baugher, Peery, Valle, P. King, Pruitt and Rasmussen; by request of Department of Agriculture

AN ACT Relating to pesticides; amending RCW 15.58.030, 15.58.040, 15.58.050, 15.58.060, 15.58.065, 15.58.070, 15.58.080, 15.58.110, 15.58.120, 15.58.130, 15.58.150, 15.58.160, 15.58.170, 15.58.180, 15.58.200, 15.58.210, 15.58.220, 15.58.230, 15.58.240, 15.58.250, 15.58.260, 15.58.280, 15.58.290, 15.58.330, 15.58.335, 15.58.340, 15.58.910, 17.21.020, 17.21.030, 17.21.040, 17.21.050, 17.21.070, 17.21.080, 17.21.110, 17.21.122, 17.21.126, 17.21.129, 17.21.130, 17.21.140,

17.21.150, 17.21.160, 17.21.180, 17.21.190, 17.21.200, 17.21.220, 17.21.230, 17.21.240, 17.21.250, 17.21.260, 17.21.270, 17.21.280, 17.21.290, 17.21.315, 17.21.320, and 17.21.910; adding new sections to chapter 15.58 RCW; adding new sections to chapter 17.21 RCW; and repealing RCW 15.58.190, 15.58.930, 17.21.090, 17.21.100, 17.21.120, 17.21.124, and 17.21.205.

Referred to Committees on Agriculture & Rural Development/Revenue.

HB 1304 by Representatives Fraser, Holland, Wang, Belcher, Beck, Rector and Haugen; by request of Department of Revenue.

AN ACT Relating to property tax exemptions for homes for the aged; amending RCW 84.36.040 and 84.36.383; creating a new section; and declaring an emergency.

Referred to Committee on Revenue.

HB 1305 by Representatives Wang, Holland and Appelwick; by request of Department of Revenue

AN ACT Relating to public utility taxation; amending RCW 82.16.010 and 82.16.020; and reenacting and amending RCW 82.04.120.

Referred to Committee on Revenue.

HB 1306 by Representatives Appelwick, Holland, Wang and Phillips; by request of Department of Revenue

AN ACT Relating to the application of the use tax to the distribution of tangible personal property; amending RCW 82.12.020; and reenacting and amending RCW 82.12.010.

Referred to Committee on Revenue.

HB 1307 by Representatives Phillips, Holland, Wang and Appelwick; by request of Department of Revenue

AN ACT Relating to the equalization of property taxation; and amending RCW 84.48.080.

Referred to Committee on Revenue.

HB 1308 by Representatives Wang and Holland; by request of Department of Revenue

AN ACT Relating to the real estate excise tax affidavit form; and amending RCW 82.45.120.

Referred to Committee on Revenue.

HB 1309 by Representatives Wang, Holland and Appelwick; by request of Department of Revenue

AN ACT Relating to the date by which tax returns become due; and amending RCW 82.27.060, 82.29A.050, and 82.32.045.

Referred to Committee on Revenue.

HB 1310 by Representatives Pruitt, Brekke and Moyer

AN ACT Relating to the organization of social and health services functions in state government; creating new sections; and providing an expiration date.

Referred to Committee on State Government.

HB 1311 by Representatives Pruitt, Dorn, K. Wilson, Rasmussen, Cole, G. Fisher, Rust, Anderson, Rector, R. Fisher, Basich, Phillips and Ebersole

AN ACT Relating to community service by high school students; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

HB 1312 by Representatives Hine, G. Fisher, Leonard, Haugen, Prentice, Valle, Heavey, Brough and Fraser

AN ACT Relating to the sale of property by sewer districts and water districts; and amending RCW 56.08.080 and 57.08.015.

Referred to Committee on Local Government.

HB 1313 by Representatives Valle, Raiter and Heavey

AN ACT Relating to repossession; amending RCW 7.64.020; and adding a new section to chapter 7.64 RCW.

Referred to Committee on Judiciary.

HB 1314 by Representatives Valle, Brekke, Raiter, Hearvey and K. Wilson

AN ACT Relating to employment agency fees; and amending RCW 19.31.170.

Referred to Committee on Commerce & Labor.

HB 1315 by Representatives Jacobsen, Prince, Rayburn, Anderson, Sayan, Basich, R. King and Ebersole

AN ACT Relating to the Washington national science fellows program; adding a new section to chapter 28B.80 RCW; and creating a new section.

Referred to Committees on Higher Education/Appropriations.

HB 1316 by Representatives Jacobsen, R. Fisher, Anderson, Wineberry, R. King and Ebersole

AN ACT Relating to tuition and fees exemptions; and amending RCW 28B.15.620.

Referred to Committees on Higher Education/Appropriations.

HB 1317 by Representatives Jacobsen, Anderson, R. Fisher, Brekke, Rector, Day, Deliwo, Belcher, O'Brien and Jones

AN ACT Relating to the hearing impaired; and adding a new chapter to Title 43 RCW.

Referred to Committee on State Government.

HB 1318 by Representatives Valle and K. Wilson

AN ACT Relating to political advertising; and amending RCW 42.17.530.

Referred to Committee on State Government.

HB 1319 by Representatives Ebersole, Locke, Wang, Winsley, R. King, Pruitt, Appelwick and Jacobsen

AN ACT Relating to the legislature and terms of state officials and members of the legislature; amending RCW 44.04.010 and 43.01.010; and adding new sections to chapter 44.04 RCW.

Referred to Committee on State Government.

HB 1320 by Representatives G. Fisher, Jacobsen, Van Luvan, Rayburn, Wineberry, Winsley, Dorn, Schoon, Sayan, Crane, Leonard, Rector, Cole, Basich, R. King, P. King, Phillips, Hine, Pruitt, H. Myers and Ebersole; by request of Governor Gardner

AN ACT Relating to the governor's graduate teacher and principal fellowship program; amending RCW 28B.80.360; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

HB 1321 by Representatives Hine, Silver, Sayan, D. Sommers, Patrick, McLean, Bristow, H. Sommers, Peery, Wineberry, Rayburn, Braddock, Prentice, Leonard, Valle, Rector, Betzoff, R. Fisher, Fraser, Basich, O'Brien, Locke, Haugen, May, P. King, Phillips, Brekke, Appelwick, G. Fisher, Spanel and Van Luvan; by request of Joint Committee on Pension Policy

AN ACT Relating to actuarial funding of state pension systems; amending RCW 41.26.005, 41.26.040, 41.26.070, 41.26.080, 41.26.450, 41.32.005, 41.32.030, 41.32.401, 41.32.403, 41.32.775, 41.40.005, 41.40.080, 41.40.370, 41.40.650, 43.43.220, 43.88.090, 41.40.160, 41.40.405, 41.40.410, and 41.32.570; adding a new chapter to Title 41 RCW; and repealing RCW 41.04.040, 41.04.050, 41.04.280, 41.32.110, 41.32.4982, 41.32.4983, 41.40.065, 41.32.150, 41.40.361, 43.43.200, 43.88.085, and 82.32.400.

Referred to Committee on Appropriations.

HB 1322 by Representatives Hine, Silver, Sayan, McLean, Patrick, D. Sommers, H. Sommers, Bristow, Bowman, Moyer, Day, Peery, Wineberry, Winsley, Fuhrman, Schoon, Holland, Rayburn, Belcher, Braddock,

Jesernig, Kremen, Chandler, Brough, Valle, G. Fisher, Betzoff, R. Fisher, Fraser, Basich, Locke, Haugen, Youngsman, Wolfe, May, R. King, P. King, Pruitt, Hankins, Brekke, Appelwick, H. Myers, Miller, Rasmussen, Ebersole, Jacobsen, Doty, Spanel, Brumsickle, Van Luven, Tate, Wood and Horn; by request of Joint Committee on Pension Policy

AN ACT Relating to cost-of-living adjustments for members of the public employees' and teachers' retirement systems; amending RCW 41.32.005, 41.32.485, 41.32.487, 41.40.005, 41.40.198, and 41.40.1981; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.32 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1323 by Representatives Hine, Silver, Sayan, D. Sommers, Patrick, McLean, Bristow, H. Sommers, Bowman, Day, Wineberry, Dorn, Dellwo, Crane, Brough, Valle, Rector, Wang, Betzoff, R. Fisher, Fraser, Basich, O'Brien, Locke, May, P. King, Phillips, Pruitt, Brekke, Appelwick, Jacobsen, Van Luven, Wood and Horn; by request of Joint Committee on Pension Policy

AN ACT Relating to the portability of public employment retirement benefits; amending RCW 41.54.010, 41.54.030, and 41.40.120; adding a new section to chapter 41.54 RCW; repealing RCW 41.54.060; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1324 by Representatives Brooks, Valle, Pruitt, Braddock, Hankins, Betzoff, Kremen, Beck, Wood, Dellwo, Bowman, Haugen, Winsley, Brekke, Walker, Horn, Nelson, Moyer, Fraser, D. Sommers, Van Luven, Cooper, R. Meyers, Jesernig, Miller, May, Rust, Sprenkle, Brumsickle, Grant, Cole, Chandler, Prince, Holland, Doty, Silver, Belcher, Scott, Rasmussen, Hine, Baugher, Dorn, Walk, Rayburn, Gallagher, Schoon, Sayan, Heavey, Vekich, Patrick, Fuhrman, Leonard, Bristow, Schmidt, Morris, Jones, Basich, R. Fisher, Wineberry, Todd, Prentice, Nealey, Ferguson, McLean, R. King, P. King, Wolfe, Nutley, K. Wilson, Cantwell, Brough, Anderson, Smith, Hargrove, Day, Crane, Rector, G. Fisher, Appelwick, H. Myers, Ebersole, Insee, Spanel and Tate; by request of Governor Gardner

AN ACT Relating to a department of health; amending RCW 9.02.005, 26.04.165, 26.09.020, 26.09.150, 28B.104.020, 42.48.010, 43.20.025, 43.20.050, 43.20A.010, 43.20A.030, 43.20A.060, 43.20A.360, 43.20A.660, 43.20B.110, 43.21A.170, 43.21A.445, 48.21A.090, 48.42.070, 48.44.320, 48.46.040, 68.50.280, 69.04.915, 71.12.460, 71.12.480, 71.12.485, 71.12.490, 71.12.500, 71.12.520, 71.12.530, 71.12.540, 71.12.640, 70.123.030, 43.20A.600, 43.20A.615, 43.20A.620, 43.20A.625, 43.20A.640, 43.20A.645, 43.20A.650, 43.20A.655, 43.20A.665, 18.120.040, 18.122.010, 18.122.020, 18.122.030, 18.122.050, 18.122.100, 18.122.110, 18.130.020, 18.130.310, 43.24.020, 43.24.086, 19.02.040, 19.02.050, 43.24.015, 18.64.005, 18.64.009, 18.64.011, 18.64.040, 18.64.043, 18.64.044, 18.64.045, 18.64.046, 18.64.047, 18.64.050, 18.64.080, 18.64.140, 18.64A.010, 18.64A.030, 18.64A.050, 18.64A.060, 69.41.010, 69.41.075, 69.41.220, 69.50.101, 69.50.201, 69.50.301, 69.50.302, 69.50.303, 69.50.304, 69.50.310, 69.50.311, 69.50.500, 69.51.030, 69.51.040, 69.38.060, 69.43.040, 69.43.050, 69.43.090, 69.45.010, 69.45.020, 69.45.030, 69.45.070, 70.39.170, 70.38.015, 70.38.025, 70.38.035, 70.38.045, 70.38.085, 70.38.105, 70.38.111, 70.38.115, 70.38.125, 70.38.135, 43.17.010, 43.17.020, and 42.17.2401; reenacting and amending RCW 43.20.030, 43.200.040, and 70.39.070; adding a new section to chapter 15.36 RCW; adding a new section to chapter 18.104 RCW; adding a new section to chapter 19.32 RCW; adding a new section to chapter 28A.31 RCW; adding a new section to chapter 43.83B RCW; adding a new section to chapter 43.99D RCW; adding a new section to chapter 43.99E RCW; adding a new section to chapter 70.05 RCW; adding a new section to chapter 70.08 RCW; adding a new section to chapter 70.12 RCW; adding a new section to chapter 70.22 RCW; adding a new section to chapter 70.24 RCW; adding a new section to chapter 70.40 RCW; adding a new section to chapter 70.41 RCW; adding a new section to chapter 70.54 RCW; adding a new section to chapter 18.64 RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 43.20A.600, 43.20A.615, 43.20A.620, 43.20A.625, 43.20A.640, 43.20A.645, 43.20A.650, 43.20A.655,

43.20A.665, 43.24.015, 43.20A.140, and 43.24.072; repealing RCW 18.32.326, 18.34.040, 18.64.007, 43.24.075, 43.131.253, 43.131.254, 70.38.055, 70.38.065, 70.38.145, 70.39.030, 70.39.040, 70.39.050, 70.39.060, and 70.39.090; and providing an effective date.

Referred to Committees on Health Care/State Government/ Appropriations.

HB 1325 by Representatives Zellinsky, Peery, Cooper, Basich, Grant, Rayburn, Schmidt, Cole, Haugen, Jones and Sayan

AN ACT Relating to determining earnable compensation for teachers' retirement; and amending RCW 41.32.010.

Referred to Committee on Appropriations.

HB 1326 by Representatives Bristow, Betrozoff, Peery, Fuhrman and Brough

AN ACT Relating to local funding requirements for school construction projects; and amending RCW 28A.47.801, 28A.47.803, and 28A.56.200.

Referred to Committees on Education/Capital Facilities & Financing.

HB 1327 by Representatives Dorn, Holland, Rasmussen, Betrozoff, Pruitt and Morris

AN ACT Relating to school construction; amending RCW 67.70.240; and adding new sections to chapter 67.70 RCW.

Referred to Committees on Education/Appropriations.

HB 1328 by Representatives Belcher, Miller, Valle, Locke, Wang, Rust, Appelwick, Doty, Spanel, H. Sommers, Wineberry, R. Fisher, Jacobsen, Fraser, Rasmussen, Brekke, Cole, Leonard, Phillips, Rayburn, K. Wilson, P. King, Anderson, Crane, Morris, Dellwo, Nutley, Jones, Nelson, Chandler, Hine, Hankins and Ebersole

AN ACT Relating to current use valuation of open space land; amending RCW 84.34.037 and 84.34.108; and adding a new section to chapter 84.34 RCW.

Referred to Committee on Revenue.

HB 1329 by Representatives Ferguson, Van Luven, Betrozoff, Horn, Miller, Heavey, Patrick, May and Morris

AN ACT Relating to taxation of commercial construction; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committees on Local Government/Revenue.

HB 1330 by Representatives Walk, Schmidt, R. Meyers, Kremen, R. Fisher, Walker, Youngsman, S. Wilson, Winsley, Braddock, Brough, Raiter, Schoon, Pruitt and Spanel; by request of Director of County Road Administration Board

AN ACT Relating to ferry operation; and amending RCW 47.04.140.

Referred to Committee on Transportation.

HB 1331 by Representatives Walk, Schmidt, Baugher, Cantwell, Patrick, Heavey, Winsley, Chandler, D. Sommers, Betrozoff and Phillips; by request of Director of County Road Administration Board

AN ACT Relating to small works rosters; and adding a new section to chapter 36.77 RCW.

Referred to Committee on Transportation.

HB 1332 by Representatives Rasmussen, Walker, Heavey, Patrick, Holland, Dorn, Rayburn, Winsley, May, K. Wilson, Fuhrman, Valle, Crane, McLean, Moyer, Anderson, Hargrove, Phillips, Beck, Betrozoff, Cantwell, Sprengle, Scott, Brough, Rector and Todd

AN ACT Relating to revocation of the privilege to drive because of alcohol and drug violations; and amending RCW 13.40.265, 46.20.265, 66.44.365, 69.41.065, 69.50.420, and 69.52.070.

Referred to Committee on Judiciary.

HB 1333 by Representatives Rasmussen, Walker, Heavey, Silver, Dorn, Patrick, Holland, Rayburn, Grant, Winsley, May, K. Wilson, Fuhrman, Valle, Crane, Rector, McLean, Spanel, Moyer, Anderson, Phillips, Cantwell, Hargrove, Basich, Scott, Beck, Betzoff, Sprengle, Morris, Brough, P. King and Todd

AN ACT Relating to revocation of minors' privilege to drive because of alcohol and drug violations; and amending RCW 13.40.265, 46.20.265, 66.44.365, 69.41.065, 69.50.420, and 69.52.070.

Referred to Committee on Judiciary.

HB 1334 by Representatives Rasmussen, Peery, Moyer, Dorn, Walker, Brumsickle, Betzoff, K. Wilson, Fuhrman, Fraser, McLean, Spanel, Anderson, Sayan, Hargrove, Phillips, Beck, Winsley, Basich, Cooper, Kremen, Valle, Grant, Belcher, Heavey, May, Vekich, Rust, Scott, Rayburn, Patrick, Bowman, Day, Wineberry, Jesernig, Rector, O'Brien, Locke, Smith, P. King, Pruitt, H. Myers, Silver, Doty and Crane

AN ACT Relating to senior citizens volunteering in the schools; adding a new section to Title 28A RCW; and making an appropriation.

Referred to Committee on Education.

HB 1335 by Representatives R. Fisher, Jacobsen, Belcher, G. Fisher, Winsley, Wang, Basich, Phillips, Todd and Sprengle

AN ACT Relating to campaigns for elective office; and adding a new section to chapter 42.17 RCW.

Referred to Committee on State Government.

HB 1336 by Representatives Scott, P. King, Schmidt, Patrick, Tate, Moyer, Appelwick, Padden, Crane, Peery, Cole, Valle, Baugher, R. Meyers, Wang, Rasmussen, Dorn, K. Wilson, Locke, Brekke, Haugen, Walk, Basich, Rust, Cantwell, Holland, H. Myers, Belcher, Heavey, Anderson, Nelson, Hargrove, Bristow, Spanel, Leonard, Nutley, Todd, Wineberry, Winsley, Sayan, Rector, Kremen, May, Hine, Ebersole, Jacobsen, G. Fisher, Sprengle and Rayburn

AN ACT Relating to drug and alcohol abuse; and adding new sections to chapter 28A.120 RCW.

Referred to Committee on Education.

HB 1337 by Representatives Cole, Braddock, Scott, Cantwell, Leonard and Dellwo

AN ACT Relating to imprinting over-the-counter medications; adding a new chapter to Title 69 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care.

HB 1338 by Representatives Cole, Peery, Schoon, Rayburn, Scott and Rust

AN ACT Relating to school buses; and amending RCW 46.61.370.

Referred to Committee on Education.

HB 1339 by Representatives Wolfe, Zellinsky, Padden and Day

AN ACT Relating to counties; amending RCW 36.32.010, 36.32.010, and 36.16.030; and adding new sections to chapter 36.32 RCW.

Referred to Committee on Local Government.

HB 1340 by Representatives Pruitt, Prince and McLean

AN ACT Relating to qualifications for persons assessing real property; and amending RCW 36.21.015.

Referred to Committee on Revenue.

HB 1341 by Representatives Valle, Silver, Jacobsen, Prince, Rector, Dellwo, K. Wilson, Beck, Day, Wineberry, Winsley, Morris, Sayan, Belcher,

Prentice, Leonard, Brough, Basich, Kremen, Jones, May, P. King, Phillips, Hine, Pruitt, Hankins, H. Myers, Miller, Ebersole, Walker, Crane, Sprengle and D. Sommers

AN ACT Relating to college savings bonds; amending RCW 28B.106.005, 28B.106.010, and 28B.106.900; adding a new section to chapter 39.42 RCW; adding new sections to chapter 28B.106 RCW; creating a new section; repealing RCW 28B.106.901; and making an appropriation.

Referred to Committees on Higher Education/Capital Facilities & Financing.

HB 1342 by Representatives Dellwo, Locke, Crane, Wineberry, Moyer, Padden, Belcher, H. Myers, Day, Winsley, Rector and Sprengle; by request of Department of Corrections

AN ACT Relating to post sentence petitions; and amending RCW 9.94A.210 and 9.94A.260.

Referred to Committee on Judiciary.

HB 1343 by Representatives Jones, Patrick, R. King, Sayan, Leonard, Cole, Wolfe, Wang, Winsley and Walker

AN ACT Relating to disputed industrial insurance claims; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Commerce & Labor.

HB 1344 by Representatives Vekich, Cole, Patrick, Jones, R. King, Todd, R. Fisher and Appelwick

AN ACT Relating to disclosure of personnel records; and reenacting and amending RCW 42.17.310.

Referred to Committee on Commerce & Labor.

HB 1345 by Representatives Wineberry, Winsley, Nutley, Anderson, Prentice, Leonard, Valle, O'Brien, Locke, Jones, Brekke, Ebersole and Jacobsen

AN ACT Relating to affordable housing; adding a new chapter to Title 43 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Housing.

HB 1346 by Representatives Haugen, Dellwo, Nutley, Wolfe, Silver and Rector

AN ACT Relating to local governmental emergency medical care and services; and amending RCW 84.52.069.

Referred to Committees on Local Government/Revenue.

HB 1347 by Representatives Haugen, Dellwo, Nutley, Wolfe, Silver and Rector

AN ACT Relating to public safety; and amending RCW 82.14B.050.

Referred to Committee on Local Government.

HB 1348 by Representatives Ferguson, O'Brien, Betzoff, Haugen, May, Winsley, Sayan, Beck, Crane, Silver, Jones, Holland, Moyer, Horn, Patrick, Wood, Hankins and Miller

AN ACT Relating to excess weight permits for authorized emergency vehicles; and amending RCW 46.44.091.

Referred to Committee on Transportation.

HB 1349 by Representatives Hankins, Baugher, Miller, Wang, Sayan, Appelwick, Brooks, Nelson, Jesernig, R. Meyers, Rust, May, Prince and Fraser

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

Referred to Committee on Education

HB 1350 by Representatives Inslee, Patrick, Appelwick and Winsley

AN ACT Relating to marital deduction gifts; and amending RCW 11.108.060.

Referred to Committee on Judiciary.

HB 1351 by Representatives Ebersole, Schmidt, Rector, Dorn, Crane, Inslee, Baugher, Patrick, Peery, Wineberry, Winsley, Sayan, Belcher, Jesernig, Heavey, Scott, Kremen, Brough, Wang, Basich, O'Brien, Locke, Walk, R. King, P. King, Todd, Pruitt, H. Myers, Rasmussen, G. Fisher, Walker and Sprenkle; by request of Governor Gardner

AN ACT Relating to community mobilization against substance abuse; creating a new chapter in Title 43 RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committees on Judiciary/Appropriations.

HB 1352 by Representatives Morris, Prince, Rector and Sayan; by request of Governor Gardner

AN ACT Relating to reporting of public officials' financial affairs; amending RCW 42.17.240 and 42.17.2401; and creating new sections.

Referred to Committee on State Government.

HB 1353 by Representatives Inslee, Padden, Locke, Crane, Baugher, Patrick, R. Meyers, S. Wilson, Anderson, Peery, Wineberry, Winsley, Dorn, Morris, Schoon, Sayan, Holland, Rayburn, Dellwo, Belcher, Scott, Prentice, Leonard, Kremen, Valle, Rector, Wang, G. Fisher, O'Brien, Cooper, Walk, May, P. King, Pruitt, Rasmussen, Cantwell, Ebersole, Jacobsen, Brumsickle, Sprenkle, Horn, Todd and Van Luven; by request of Governor Gardner

AN ACT Relating to the forfeiture of real property for violations involving controlled substances; adding new sections to chapter 69.50 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1354 by Representatives Fraser, McLean, R. Fisher, Crane, Winsley, Dorn, Sayan, Belcher, Chandler, Brough, Rector, Haugen, R. King, K. Wilson, Hankins, H. Myers, Miller, Rasmussen, Ebersole, Tate and Sprenkle; by request of Governor Gardner

AN ACT Relating to the interagency committee for outdoor recreation; amending RCW 43.99.010, 43.99.020, 43.99.130, 43.99.142, 43.99.146, and 67.32.050; adding a new section to chapter 43.99 RCW; declaring an emergency; and providing an effective date.

Referred to Committee on State Government.

HB 1355 by Representatives G. Fisher, Smith, Sprenkle, Inslee, Crane and Sayan; by request of Governor Gardner

AN ACT Relating to public motor vehicle operations; amending RCW 43.19.605, 43.19.620, 43.19.630, and 46.08.065; adding new sections to chapter 43.19 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 1356 by Representatives Raiter, Moyer, Bristow, Winsley, Patrick, Morris, Sayan, Rayburn, Prentice, Leonard, Rector, Basich, O'Brien, Locke, Nelson, May and Hine; by request of Governor Gardner

AN ACT Relating to comprehensive mental health improvement; amending RCW 71.24.025, 71.24.035, 71.24.045, 71.05.010, 71.05.020, 71.05.120, 71.05.130, 71.05.200, 71.05.250, and 71.05.370; adding new sections to chapter 71.24 RCW; adding a new section to chapter 72.06 RCW; and declaring an emergency.

Referred to Committee on Human Services.

HB 1357 by Representatives Crane, Beck, Appelwick, Baugher, R. Meyers, Peery, Sayan, Scott, Valle, Rector, Wang, O'Brien, Cooper, May, R. King, P. King, Todd, Pruitt, H. Myers, Ebersole and Spanel; by request of Governor Gardner

AN ACT Relating to the identification, cleanup, storage, and disposal of chemicals and other hazardous materials located at illegal drug manufacturing sites; adding a new section to chapter 69.50 RCW; creating a new section; and making an appropriation.

Referred to Committee on Judiciary.

HB 1358 by Representatives Crane, Padden, P. King, Sayan, Heavey, Rector, Ebersole and Insee; by request of Governor Gardner and Attorney General

AN ACT Relating to modifications in the Administrative Procedure Act and necessary conforming amendments; amending RCW 34.05.010, 34.05.030, 34.05.080, 34.05.220, 34.05.310, 34.05.315, 34.05.320, 34.05.335, 34.05.340, 34.05.350, 34.05.380, 34.05.413, 34.05.422, 34.05.425, 34.05.428, 34.05.440, 34.05.446, 34.05.449, 34.05.461, 34.05.464, 34.05.470, 34.05.473, 34.05.485, 34.05.488, 34.05.550, 34.05.566, 34.05.570, 34.05.574, 34.05.586, 34.08.040, 34.08.050, 34.12.020, 34.12.060, 34.12.120, 42.17.260, 2.10.200, 7.24.146, 7.68.110, 9.46.095, 9.46.140, 15.13.350, 15.14.080, 15.30.090, 15.32.584, 15.35.240, 15.36.115, 15.36.595, 15.37.080, 15.53.9036, 15.80.590, 16.49.454, 16.58.070, 16.65.445, 16.74.370, 17.10.080, 17.21.050, 18.08.450, 18.20.060, 18.27.104, 18.43.110, 18.46.050, 18.51.065, 18.54.050, 18.85.271, 18.85.343, 18.130.060, 18.130.100, 18.130.110, 18.130.190, 19.85.030, 19.85.040, 19.85.050, 24.34.020, 26.19.020, 26.23.110, 26.23.120, 28B.15.013, 28B.50.864, 28B.50.873, 28B.85.090, 28C.10.120, 35.68.076, 39.19.030, 40.07.020, 41.40.414, 41.40.420, 42.17.020, 42.17.170, 42.17.395, 42.17.397, 42.21.020, 42.30.140, 43.20A.605, 43.20B.340, 43.20B.430, 43.20B.630, 43.20B.740, 43.21B.110, 43.21B.160, 43.21B.180, 43.21B.240, 43.51.040, 43.51.340, 43.60A.070, 43.131.080, 46.10.220, 46.20.331, 48.03.070, 48.17.540, 48.62.050, 49.60.250, 49.60.260, 50.32.040, 50.32.090, 50.32.140, 51.48.131, 51.48.140, 66.08.150, 67.70.060, 68.05.310, 69.30.080, 70.38.115, 70.41.030, 70.41.130, 70.77.370, 70.90.210, 70.96A.090, 70.98.050, 70.98.130, 70.105B.070, 70.119A.040, 70.150.040, 71.12.500, 71A.10.050, 71A.10.060, 71A.10.070, 71A.16.040, 71A.18.040, 71A.20.080, 72.66.044, 74.08.080, 74.09.210, 74.13.036, 74.13.127, 74.15.130, 74.18.120, 74.20A.020, 74.20A.055, 74.20A.060, 74.20A.080, 74.20A.120, 74.20A.270, 74.20A.290, 74.21.100, 74.46.780, 75.20.130, 75.20.140, 76.04.630, 76.09.080, 76.09.220, 76.09.230, 78.44.170, 78.52.463, 78.52.470, 79.72.040, 79.90.105, 79.94.210, 80.50.075, 80.50.090, 80.50.100, 82.03.160, 82.03.180, 82.34.040, 84.26.130, 84.33.200, 90.14.200, 90.48.230, 90.58.120, 90.58.180, and 90.58.190; adding a new section to chapter 34.05 RCW; adding a new section to chapter 7.16 RCW; adding new sections to chapter 43.20A RCW; repealing RCW 18.20.070, 18.46.100, 34.04.115, 34.05.538, 69.30.090, 69.30.100, 70.41.140, 74.08.070, 74.09.536, and 74.12.270; providing effective dates; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1359 by Representatives Heavey, Patrick, Crane, Betrozoff, Phillips, Wineberry, K. Wilson and Rasmussen

AN ACT Relating to metropolitan municipal corporations; amending RCW 35.58.040, 35.58.040, 35.58.090, and 35.58.410; adding new sections to chapter 35.58 RCW; repealing RCW 35.58.118, 35.58.120, 35.58.130, 35.58.140, 35.58.150, 35.58.160, 35.58.270, and 35.58.420; and providing an effective date.

Referred to Committee on Local Government.

HB 1360 by Representatives R. Fisher, Ballard and Betrozoff; by request of Governor Gardner

AN ACT Relating to personnel administration; and amending RCW 41.06.070 and 41.06.430.

Referred to Committee on State Government.

HB 1361 by Representatives R. Fisher, Ballard and Betrozoff; by request of Governor Gardner

AN ACT Relating to state personnel administration; amending RCW 41.06.030, 41.06.070, 41.06.130, 41.06.140, 41.06.160, 41.06.170, 41.06.186, 41.06.196, 41.06.220, 41.06.270, 41.06.280, 41.06.340, 41.06.350, 41.06.400, 41.06.410, 41.06.420, 41.06.430, 41.06.450, 41.06.475, 41.64.090, 34.12.020, 41.04.340, 41.48.140, 41.50.804, 41.56.100, 41.60.041, 41.64.010, 41.64.090, 42.16.010, 42.17.2401, 43.03.028, 43.03.305, 43.06.425, 43.06.430, 43.33A.100, 43.43.832, 43.60A.906, 43.131.090, 48.03.060, 49.46.010, 70.87.120, 72.01.210, 72.19.050, and 74.09.150; reenacting and amending RCW 41.06.020, 41.06.150, and 41.64.030; decodifying RCW 41.64.900 and 72.09.220; repealing RCW 41.06.110, 41.06.120, 41.06.230, 41.06.240, 41.06.300, 41.06.310, 41.06.320, 41.06.330, and 50.12.031; creating new sections; making an appropriation; and providing an effective date.

Referred to Committee on State Government.

HB 1362 by Representatives Haugen, Kremen, Vekich, Fuhrman, S. Wilson and Smith

AN ACT Relating to fisheries violations and license forfeiture; and amending RCW 75.10.120.

Referred to Committee on Fisheries & Wildlife.

HB 1363 by Representatives Holland, Schoon, Fuhrman, Rasmussen, Cole, Leonard, Rayburn, May, Brough, Horn, Prentice, Bristow, Moyer, Heavey, Kremen, Ballard, Chandler, Crane, Braddock, Belcher, Prince, Silver, Locke, R. Fisher, Hankins, Brooks, Vekich, Padden, Beck, Dorn, Scott, Delwo and McLean

AN ACT Relating to the state board of education; amending RCW 28A.04.174, 28A.04.176, 28A.04.178, and 28A.70.040; reenacting and amending RCW 28A.04.120; and repealing RCW 28A.70.042.

Referred to Committee on Education.

HB 1364 by Representatives Holland, Schoon, Winsley, Leonard, Brough, Ferguson, Smith, Rayburn, Jesernig, May, Prentice, Valle, Wineberry, Bristow, Miller, K. Wilson, D. Sommers, Moyer, Heavey, G. Fisher, Van Luven, Silver, Rust, Hankins, Brooks, Beck, Jacobsen, Phillips, Ballard, Chandler, Crane, Braddock, R. Fisher, Vekich, Padden, Patrick, Kremen, Rector, O'Brien, Locke, Ebersole, Morris and P. King

AN ACT Relating to extracurricular school activities; and creating new sections.

Referred to Committees on Education/Appropriations.

HB 1365 by Representative Holland

AN ACT Relating to governmental liability for hazardous recreational activity; and adding a new section to chapter 4.96 RCW.

Referred to Committee on Judiciary.

HB 1366 by Representatives Haugen, Cole, Vekich, Leonard and Scott

AN ACT Relating to cosmetology; amending RCW 18.16.020, 18.16.030, 18.16.060, 18.16.100, 50.04.225, 51.08.180, and 82.04.360; adding a new section to chapter 18.16 RCW; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1367 by Representatives Ferguson, Heavey, Winsley, Schoon, R. Fisher, Locke, Haugen, May, Appelwick, Nelson, Zellinsky, Belcher and Brough

AN ACT Relating to port districts; amending RCW 53.12.010 and 53.12.130; adding new sections to chapter 53.12 RCW; adding a new section to chapter 53.04 RCW; creating a new section; and repealing RCW 53.12.020, 53.12.035, 53.12.040, 53.12.044, 53.12.050, 53.12.055, 53.12.057, 53.12.060, 53.12.160, 53.12.172, 53.12.180, 53.12.190, 53.12.200, 53.12.210, and 53.12.220.

Referred to Committee on Local Government.

HB 1368 by Representatives H. Myers, Jacobsen, Doty, Cooper, Winsley, Leonard, Wood, Peery, Fraser, Van Luven, Basich, Walk, Rector, R. Meyers, Wineberry, Dorn, Wang, O'Brien, P. King, Pruitt and Ebersole

AN ACT Relating to the community scholarship foundation program; amending RCW 82.32.400; and adding new sections to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 1369 by Representatives Brough and Rust

AN ACT Relating to the repair of waterfront sewer systems; and adding new sections to chapter 70.118 RCW.

Referred to Committee on Environmental Affairs.

HB 1370 by Representatives Brough, Haugen, Ferguson, Sayan, Hine, Miller and G. Fisher

AN ACT Relating to the date when taxing district boundaries are established for purposes of imposing property taxes; and reenacting and amending RCW 84.09.030.

Referred to Committee on Local Government.

HB 1371 by Representatives Brough, Locke, Patrick, Dellwo, Ferguson, D. Sommers, Sprengle, Nelson, Zellinsky, Valle, Jesernig, Baugher, Day, Prentice, Leonard, Rector, R. Fisher, O'Brien and Hankins

AN ACT Relating to fireworks; amending RCW 70.77.136, 70.77.250, 70.77.255, 70.77.270, and 70.77.395; and creating a new section.

Referred to Committee on Local Government.

HB 1372 by Representatives Rector, Jacobsen, Scott, Brekke, Dellwo, Day, Wineberry, Prentice, Leonard and Wang

AN ACT Relating to the center for children and family studies; adding new sections to chapter 28B.20 RCW; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Higher Education.

HB 1373 by Representatives Wang, Padden, Dellwo and O'Brien; by request of Administrator for the Courts

AN ACT Relating to mental health commissioners; adding new sections to chapter 71.05 RCW; and adding a new section to chapter 71.34 RCW.

Referred to Committee on Judiciary.

HB 1374 by Representatives Padden, Wang, Dellwo and P. King; by request of Administrator for the Courts

AN ACT Relating to superior courts; and amending RCW 4.12.040.

Referred to Committee on Judiciary.

HJR 4207 by Representatives Haugen, Winsley, Appelwick, Ferguson, Cooper, Dorn, Brough, Fraser, Jones, Nelson, Walker and Rasmussen

Amending the Constitution to allow excess levies for up to six-year periods by the state and taxing districts.

Referred to Committee on Revenue.

HCR 4404 by Representatives Ebersole and Ballard

Establishing cutoff dates.

MOTION

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

The Speaker declared the House to be at ease until 11:30 a.m.

The Speaker called the House to order at 11:30 a.m.

MOTION

On motion of Mr. Ebersole, the rules were suspended and House Concurrent Resolution No. 4404 was advanced to second reading.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4404, by Representatives Ebersole and Ballard

Establishing cutoff dates.

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

Representatives Ebersole and Ballard spoke in favor of adoption of the resolution.

House Concurrent Resolution No. 4404 was adopted.

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

REPORTS OF STANDING COMMITTEES

January 18, 1989

HB 1001 Prime Sponsor, Representative P. King: Clarifying language relating to writs of certiorari. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Luven and Wineberry.

Absent: Representative Brough.

Passed to Committee on Rules for second reading.

January 18, 1989

HB 1002 Prime Sponsor, Representative P. King: Correcting or amending internal references in the Revised Code of Washington. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Luven and Wineberry.

Absent: Representative Brough.

Passed to Committee on Rules for second reading.

January 18, 1989

HB 1003 Prime Sponsor, Representative P. King: Repealing obsolete sections in the Revised Code of Washington. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Inslee, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Luven and Wineberry.

Voting nay: Representative Hargrove.

Absent: Representative Brough.

Passed to Committee on Rules for second reading.

January 18, 1989

HB 1004 Prime Sponsor, Representative P. King: Making technical corrections in the Revised Code of Washington. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Luven and Wineberry.

Passed to Committee on Rules for second reading.

January 18, 1989

HB 1005 Prime Sponsor, Representative P. King: Reconciling double amendments or repeals in the Revised Code of Washington. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, H. Myers, Patrick, Scott, Tate and Wineberry.

Passed to Committee on Rules for second reading.

January 17, 1989

HB 1048 Prime Sponsor, Representative Wang: Making technical improvements to the alcoholic beverage control title. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Walker and Wolfe.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

January 18, 1989

HB 1198 Prime Sponsor, Representative Nelson: Authorizing first class cities to enter into agreement to own and operate electrical utilities. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Gallagher, Jesernig, May, R. Meyers, Miller, H. Myers and S. Wilson.

Absent: Representatives Todd, Vice Chair; Jacobsen and R. Meyers.

Passed to Committee on Rules for second reading.

January 17, 1989

HJM 4000 Prime Sponsor, Representative Nelson: Memorializing Hanford as a national energy center. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Gallagher, Jacobsen, Jesernig, May, R. Meyers, H. Myers and S. Wilson.

Absent: Representatives Miller and S. Wilson.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Ebersole, the bills and memorial listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTIONS

On motion of Mr. Ebersole, House Bill No. 1115 was referred from Committee on Health Care to Committee on Agriculture & Rural Development.

On motion of Mr. Ebersole, House Bill No. 1155 was referred from Committee on Appropriations to Committees on Education/Capital Facilities & Financing.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Monday, January 23, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, January 23, 1989

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Appelwick, Bristow, Day, P. King, O'Brien and Vekich. On motion of Ms. Fraser, Representatives Appelwick, P. King and O'Brien were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rick Dawson and Randy Gross. Prayer was offered by The Reverend Aaron Carland, Minister of the Lacey Presbyterian Church.

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

MESSAGE FROM THE SECRETARY OF STATE

January 20, 1989

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

As required by Article II, Section 1, of the State Constitution and RCW 29.79.200, we herewith respectfully transmit the certification of the sufficiency of Initiative to the Legislature 102, a copy of the full, true and complete test of which was certified to you on January 9, 1989.

CERTIFICATION OF INITIATIVE TO THE LEGISLATURE 102

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW 29.79.200, and WAC 434-79-010, the office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature 102 to be examined in the following manner:

1) It was determined that 217,143 signatures were submitted by the sponsors of the initiative. A random sample of 21,733 signatures was taken from those submitted;

2) Each sampled signature was examined to determine if the signer was a registered voter of the state at the address indicated on the petition, if the signature was reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the sample. We found 18,678 valid signatures, 2,971 signatures invalid due to non-registration or improper form, and 84 pairs of duplicated signatures in the sample;

3) We calculated an allowance for the chance error of sampling (82) by multiplying the square root of the number of invalid signatures by 1.5;

4) We estimated the upper limit of the number of signatures on the initiative petition which were invalid (30,504) by dividing the sum of the number of invalid signatures in the sample and the allowance for the chance error of sampling by the sampling ratio;

5) We determined the maximum allowable numbers of pairs of signatures on the petition (20,392) by subtracting the sum of 110% of the number of signatures required by Article II, Section 1 of the Washington State Constitution (166,247) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;

6) We determined the expected number of pairs of signatures in the sample (204) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition;

7) We determined the acceptable number of pairs of signatures in the sample (180) by subtracting 1.65 times the square root of the expected number of pairs of signature in the sample from the expected number of pairs of signatures in the sample; and

8) Since the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, I hereby declare Initiative to the Legislature 102 to be sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington this 20th day of January, 1989.

(Seal)

RALPH MUNRO, Secretary of State.

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

INTRODUCTIONS AND FIRST READING

HB 1375 by Representative Kremen

AN ACT Relating to the sale of electrical equipment; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1376 by Representatives Vekich, Patrick, Smith, R. King, Sayan and Walker

AN ACT Relating to public employment relations commission jurisdiction; and amending RCW 41.56.020.

Referred to Committee on Commerce & Labor.

HB 1377 by Representatives Leonard, Winsley, Anderson, Brough, Rector, Nutley, Locke, May, Wineberry and Valle

AN ACT Relating to contaminated residences; adding a new chapter to Title 64 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Housing.

HB 1378 by Representatives Braddock, Sprenkle, Vekich, Cantwell, Cole, Rust, Anderson, Basich, Sayan, Fraser and Phillips; by request of Governor Gardner

AN ACT Relating to health care; amending RCW 70.39.010, 70.39.020, 70.39.030, 70.39.040, 70.39.100, 70.39.130, 70.39.140, 70.39.150, 70.38.025, 70.38.085, 70.38.105, 70.38.111, 70.38.115, 70.38.125, 70.38.135, 43.131.253, and 43.131.254; reenacting and amending RCW 70.39.050; adding a new chapter to Title 70 RCW; adding new sections to chapter 70.39 RCW; creating new sections; repealing RCW 70.39.070 and 70.39.160; and prescribing penalties.

Referred to Committee on Health Care.

HB 1379 by Representatives H. Sommers, Sayan, Silver, Brekke, Fuhrman, Holland, May, Winsley, Betzoff, Wolfe, Schoon, Miller, Horn, Phillips and Ballard; by request of Legislative Budget Committee

AN ACT Relating to bids on public construction contracts; and adding a new section to chapter 39.04 RCW.

Referred to Committee on Capital Facilities & Financing.

HB 1380 by Representatives R. Meyers, Baugher, Ballard, Rayburn, Prince, McLean, Jesernig, Brough, G. Fisher, Ferguson, P. King, Fraser, Gallagher, Walk, Grant, Schmidt, Doty, Scott, Crane, D. Sommers, Hankins, Brooks, Dorn, S. Wilson, Rasmussen, Kremen, Holland, Dellwo, May, Pruitt, Sprenkle, Patrick, Moyer, Chandler, Beck, Winsley, Silver, Youngsman, Walker, Fuhrman, Betzoff, Wolfe, Schoon, Haugen, Miller, K. Wilson, Brumsickle, Bowman, Basich, Rector, Wood, Horn and Smith; by request of Governor Gardner

AN ACT Relating to admissibility of evidence obtained pursuant to interceptions or transmissions of conversations concerning illegal controlled substances without prior judicial approval; amending RCW 9.73.060 and 9.73.090; adding new sections to chapter 9.73 RCW; adding a new section to chapter 2.56 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1381 by Representatives Nelson and Brekke

AN ACT Relating to industrial insurance decisions by the department of labor and industries; and amending RCW 51.52.050.

Referred to Committee on Commerce & Labor.

HB 1382 by Representatives Appelwick, Heavey, Silver and R. King

AN ACT Relating to state agencies; amending RCW 66.16.040; and adding a new section to chapter 43.17 RCW.

Referred to Committee on State Government.

HB 1383 by Representatives Nutley and Cooper

AN ACT Relating to the designation of treasurers and auditors by regional planning commissions, regional planning councils, regional agencies, and councils of government; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.64 RCW; adding a new section to chapter 36.70 RCW; and adding a new section to chapter 39.34 RCW.

Referred to Committee on Local Government.

HB 1384 by Representatives Crane and Brough

AN ACT Relating to truck routes; reenacting and amending RCW 46.63.020; adding a new section to chapter 46.44 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1385 by Representatives Dellwo, Winsley, Chandler, Day, Anderson and Nutley; by request of Insurance Commissioner

AN ACT Relating to mergers, rehabilitation, and liquidation of insurance entities; amending RCW 48.31.020; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1386 by Representatives Phillips, Ferguson, Horn and Haugen

AN ACT Relating to the creation of small works rosters by counties; and adding new sections to chapter 36.32 RCW.

Referred to Committee on Local Government.

HB 1387 by Representatives Sayan, Ballard, O'Brien, Prince, Zellinsky, Ferguson, Jones, McLean, Jacobsen, May, Anderson, Miller, R. King, Crane, Nelson, Valle, P. King, Hine, Baugher, Rayburn, Brekke, Rector, Leonard, Cole, Dellwo, Scott, Todd, Van Luven, Pruitt, Day, Haugen, Wineberry, Kremen, Winsley, Silver and Basich

AN ACT Relating to participation and communication on public issues as part of the centennial observance by organizations and citizens; adding new sections to chapter 43.63A RCW; and providing an expiration date.

Referred to Committee on State Government.

HB 1388 by Representatives Cooper, D. Sommers, R. Fisher, Prince, Walk, Schmidt, Patrick, Heavey, Crane, R. Meyers, Day and Moyer

AN ACT Relating to persons rendering emergency care or transport; and amending RCW 4.24.300.

Referred to Committee on State Government.

HB 1389 by Representatives Hine, G. Fisher, Cole, Brekke, Anderson, Smith and Heavey

AN ACT Relating to public employment; amending RCW 41.04.010 and 70.84.080; adding a new section to chapter 41.06 RCW; and adding a new section to chapter 28B.16 RCW.

Referred to Committee on State Government.

HB 1390 by Representatives Anderson, Winsley, Nutley, Sprenkle, Scott, Sayan, Wineberry and Leonard

AN ACT Relating to unfit buildings, dwellings, structures, and premises; and amending RCW 35.80.010, 35.80.020, and 35.80.030.

Referred to Committee on Housing.

HB 1391 by Representatives R. King, Appelwick and Vekich

AN ACT Relating to average salaries for basic education certificated instructional staff; amending RCW 28A.58.0951; and repealing RCW 41.59.935.

Referred to Committees on Education/Appropriations.

HB 1392 by Representatives Rust, Brough, Valle, Wang, Locke, O'Brien, Nelson, Jacobsen, May, Pruitt, Sprenkle, Patrick, Winsley, Scott, Sayan, R. King and Phillips; by request of Governor Gardner

AN ACT Relating to wetlands; adding a new chapter to Title 90 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

HB 1393 by Representatives Grant, Baugher, Rayburn, Rector, Prentice, Raiter, Braddock, Brooks, Sprenkle, Dorn, Cantwell, Locke, O'Brien, Kremen, Heavey, Doty, Patrick, Beck, Winsley, Silver, Brough, Fuhrman, Nealey, Wolfe, Schoon, Miller, K. Wilson, Brumsickle, Basich, Sayan, Morris, Wineberry, R. King, Horn, Valle, Pruitt, Cooper, Crane, Ballard, Jesernig, Todd, Leonard and Rasmussen; by request of Department of Corrections

AN ACT Relating to controlled substances within correctional facilities; and amending RCW 9.94A.310 and 9.94A.370.

Referred to Committee on Judiciary.

HB 1394 by Representatives Rayburn, Baugher and Todd

AN ACT Relating to irrigation districts; amending RCW 87.03.435; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Agriculture & Rural Development.

HB 1395 by Representatives R. Fisher, McLean, Anderson, Nealey, Wolfe and Todd; by request of State Investment Board

AN ACT Relating to the state investment board; amending RCW 42.30.110; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government.

HB 1396 by Representatives Rayburn, Leonard, Moyer, Brekke, Anderson, Heavey, Youngsman, K. Wilson, Wineberry and Todd

AN ACT Relating to open adoptions; amending RCW 26.33.060 and 26.33.330; and adding a new section to chapter 26.33 RCW.

Referred to Committee on Human Services.

HB 1397 by Representatives Rayburn, Baugher, Nealey, Sprenkle, Doty, Chandler, Beck, Heavey, Haugen, Sayan, Jones, Phillips, Crane, H. Myers, Inslee and Todd; by request of Governor Gardner

AN ACT Relating to water use efficiency and conservation; amending RCW 90.54.020, 90.54.120, and 90.03.360; adding a new section to chapter 19.27 RCW; adding a new section to chapter 43.20 RCW; adding new sections to chapter 90.54 RCW; and creating a new section.

Referred to Committee on Agriculture & Rural Development.

HB 1398 by Representatives Baugher, McLean, Nealey, Rayburn, Inslee, Heavey, Doty, Smith, Moyer, Chandler, Betrozoff, Wolfe, Miller, Sayan, Ballard, H. Myers and Jesernig; by request of Governor Gardner

AN ACT Relating to emergency drought relief; amending RCW 43.83B.210; adding new sections to chapter 43.83B RCW; repealing RCW 43.83B.305, 43.83B.310, 43.83B.315,

43.83B.320, 43.83B.325, 43.83B.330, 43.83B.340, 43.83B.342, and 43.83B.344; and declaring an emergency.

Referred to Committee on Agriculture & Rural Development.

HB 1399 by Representatives Belcher, H. Myers, Day, Nutley, Cooper, Rector, Morris, Anderson, Valle, Wang, Locke, O'Brien, Heavey, Dellwo, Pruitt, Sprengle, Scott, Sayan, Wineberry, R. King, Jones, Fraser, Phillips, Crane, Todd and Leonard

AN ACT Relating to child care for state employees; and making an appropriation.

Referred to Committee on Appropriations.

HB 1400 by Representative R. Meyers

AN ACT Relating to family court commissioners; and amending RCW 26.12.050.

Referred to Committee on Judiciary.

HB 1401 by Representatives Nealey, Haugen, Rayburn, D. Sommers, Raiter and R. Fisher

AN ACT Relating to criteria for procuring public contracts; and amending RCW 39.80.040.

Referred to Committee on State Government.

HB 1402 by Representatives Nealey, Rayburn, Baugher, McLean, Brooks, Haugen and Moyer

AN ACT Relating to ethanol motor fuels; adding a new chapter to Title 46 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1403 by Representatives Nealey, Rayburn, Chandler, McLean, Baugher, D. Sommers, Brooks, Haugen, Smith and Moyer

AN ACT Relating to dispensing gasohol at state facilities; and amending RCW 43.41.130.

Referred to Committee on Transportation.

HB 1404 by Representatives Braddock and Haugen

AN ACT Relating to interlocal contracts entered into under chapter 39.34 RCW; and amending RCW 28B.16.240.

Referred to Committee on Commerce & Labor.

HB 1405 by Representatives Jacobsen, H. Sommers, Prince, Wood, Spanel, Locke, O'Brien, Heavey, Miller, Brekke, Basich, Sayan, Phillips and Crane; by request of Governor Gardner

AN ACT Relating to tuition fees; and amending RCW 28B.15.202, 28B.15.402, and 28B.15.502.

Referred to Committee on Higher Education.

HJM 4005 by Representatives Nealey, Rayburn, Chandler, McLean, Ferguson, Jesernig, Doty, Baugher, D. Sommers, Brooks, Haugen, Smith, Moyer and Betzoff

Requesting that Congress enact legislation that would require that motor fuel consist of at least 5% ethanol.

Referred to Committee on Transportation.

HCR 4405 by Representatives Ebersole and Ballard

Recognizing Medal of Merit recipients.

MOTION

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

MOTION

On motion of Mr. Ebersole, the rules were suspended and House Concurrent Resolution No. 4405 was advanced to second reading.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4405, by Representatives Ebersole and Ballard

Recognizing Medal of Merit recipients.

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

Mr. Ebersole spoke in favor of adoption of the resolution.

House Concurrent Resolution No. 4405 was adopted.

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

MOTION

On motion of Mr. Ebersole, House Bill No. 1130 was referred from Committee on Local Government to Committee on Judiciary.

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

REPORTS OF STANDING COMMITTEES

January 20, 1989

HB 1010 Prime Sponsor, Representative Sayan: Revising provisions for disability leave supplement for law enforcement officers and fire fighters. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representatives R. King, O'Brien and Wolfe.

Referred to Committee on Appropriations.

January 19, 1989

HB 1047 Prime Sponsor, Representative R. Meyers: Modifying secured transaction requirements as they apply to crops. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, H. Myers, Patrick, Scott and Tate.

Absent: Representative Wineberry.

Passed to Committee on Rules for second reading.

January 19, 1989

HB 1088 Prime Sponsor, Representative Dellwo: Correcting statutes affected by vetoes by the governor. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate and Van Luven.

Absent: Representatives Schmidt and Wineberry.

Passed to Committee on Rules for second reading.

January 19, 1989

HB 1168 Prime Sponsor, Representative Appelwick: Revising the uniform estate tax apportionment act. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate and Van Luven.

Absent: Representatives Brough and Wineberry.

Passed to Committee on Rules for second reading.

January 19, 1989

HB 1169 Prime Sponsor, Representative Padden: Regulating disclaimers of interest by beneficiaries. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Scott, Tate and Van Luven.

Absent: Representatives Schmidt and Wineberry.

Passed to Committee on Rules for second reading.

January 19, 1989

HB 1170 Prime Sponsor, Representative Padden: Changing provisions relating to the exercise of the power of appointment. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate and Van Luven.

Absent: Representatives Schmidt and Wineberry.

Passed to Committee on Rules for second reading.

January 19, 1989

HB 1173 Prime Sponsor, Representative Appelwick: Revising nonclaim statutes. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Scott, Tate and Van Luven.

MINORITY recommendation: Without recommendation. Signed by Representative Dellwo.

Absent: Representative Wineberry.

Passed to Committee on Rules for second reading.

January 20, 1989

HB 1227 Prime Sponsor, Representative Nelson: Furthering the state hydropower plan. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 20, after "development," insert "municipal water supply."

On page 2, line 34, after "fisheries," strike "and" and insert "watershed planning coordinated through the puget sound water quality authority, watershed planning for municipal water supply."

On page 2, line 34, after "commission" insert ", and the planning process developed through the joint select committee on water resources policy and any actions resulting from that process"

On page 3, line 11, after "planning" insert "activities"

On page 3, after line 16, insert:

"NEW SECTION. Sec. 5. APPROPRIATION. The sum of seven hundred ninety-five thousand eight hundred dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund for the purposes of this act as follows:

- (1) To the state energy office, three hundred sixty-one thousand dollars;
- (2) To the department of ecology, one hundred sixty-four thousand eight hundred dollars;
- (3) To the department of fisheries, ninety-six thousand dollars;
- (4) To the department of wildlife, one hundred six thousand dollars;
- (5) To the parks and recreation commission, twenty-one thousand dollars; and
- (6) To the department of community development, forty-seven thousand dollars."

On page 1, line 1 of the title, strike "and"

On page 1, line 2 of the title, after "sections" insert "; and making an appropriation"

Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Cooper, Jacobsen, Jesernig, R. Meyers, Miller and H. Myers.

MINORITY recommendation: Do not pass. Signed by Representatives Brooks, May and S. Wilson.

Absent: Representative Gallagher.

Referred to Committee on Appropriations.

MOTION

On motion of Mr. Ebersole, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Wednesday, January 25, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SEVENTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, January 25, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. Dellwo presiding). The Clerk called the roll and all members were present except Representatives Betrozoff, Brekke, Bristow, G. Fisher, Hine, R. King, Locke, O'Brien and Todd. On motion of Ms. Fraser, Representatives Bristow and O'Brien were excused. On motion of Ms. Miller, Representative Betrozoff was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Graciela Vivanco and Ann Sanders. Prayer was offered by The Reverend Aaron Carland, Minister of the Lacey Presbyterian Church.

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

MESSAGE FROM THE SENATE

January 23, 1989

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4404,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 1406 by Representatives Cole, Peery, Holland, Dorn, Hankins, Pruitt, Winsley, G. Fisher, Brumsickle, Ebersole, Miller, R. Fisher, R. Meyers, Phillips, Rasmussen, Wang, Rust, Jesernig, Jones, Ferguson, Cooper, Fraser, P. King, R. King, Hine, Dellwo, Sprenkle and Belcher

AN ACT Relating to analysis of school district and educational service district jobs and pay equity; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committees on Education/Appropriations.

HB 1407 by Representative P. King

AN ACT Relating to eminent domain by libraries; and adding a new section to chapter 27.12 RCW.

Referred to Committee on Local Government.

HB 1408 by Representatives Dorn, Pruitt, G. Fisher, Sayan, P. King, Holland, R. Meyers, Leonard, Patrick, Winsley, Van Luven, Cooper, Walk, Scott and Morris

AN ACT Relating to service credit in the public employees' retirement system; amending RCW 41.40.010; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Appropriations.

HB 1409 by Representatives Ballard, Ebersole, Holland, Sayan, P. King, R. Meyers, Patrick, Winsley, May, Van Luven, Bowman, Beck, Moyer, Schoon, Betrozoff, D. Sommers, Tate, Wood and Sprenkle

AN ACT Relating to refund of member contributions to the teachers retirement system; and amending RCW 41.32.820.

Referred to Committee on Appropriations.

HB 1410 by Representatives Ebersole, R. Meyers and P. King

AN ACT Relating to retirement age and calculation of final compensation for plan II members of public retirement systems; and amending RCW 41.26.030, 41.26.430, 41.26.450, 41.26.470, 41.26.510, 41.32.010, 41.32.765, 41.32.775, 41.32.790, 41.40.010, 41.40.630, 41.40.650, and 41.40.670.

Referred to Committee on Appropriations.

HB 1411 by Representatives Vekich, R. King, Cole, Prentice, Winsley, Ebersole, Fraser, Sayan, Jones, Leonard, Basich, Scott, Baugher, Rector and Dellwo

AN ACT Relating to employer obligations; adding a new chapter to Title 49 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1412 by Representatives Kremen, Hankins, Heavey, Beck, Braddock, Basich, Baugher, Winsley, Day, G. Fisher, Prentice, Todd, R. Meyers, Jones, D. Sommers, Prince, S. Wilson, Gallagher, Betzoff, Walker, Wood, Haugen, Smith, Cantwell, Cooper, Pruitt, Zellinsky, K. Wilson, R. Fisher, Tate, Rector, Rasmussen, Youngsman, Doty, Schoon, Moyer, Wineberry, McLean, Dorn, Crane, Nealey, Sayan, Valle, Inslee, Jesernig, Fraser, Nutley, Patrick, H. Myers, Rayburn, R. King, Miller, Spanel, Brooks, Hargrove, Anderson, Sprengle, Scott, Grant, Dellwo, May, Van Luven, Bowman, Horn, Fuhrman, Silver, Ferguson, Jacobsen, P. King, Morris and Phillips

AN ACT Relating to remembrance tabs for honorably discharged veterans; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 1413 by Representatives Scott, Crane, Locke, Heavey, R. Meyers, Patrick, Schmidt, Padden, Inslee, Day, Kremen, Wolfe, McLean, Van Luven, Winsley, Brough, Beck, Moyer, Miller, Valle, D. Sommers, Fuhrman, Tate, Youngsman, Ferguson, Rector, Cooper, P. King, R. King, Pruitt, Todd and Phillips; by request of Attorney General

AN ACT Relating to the University of Washington DNA typing laboratory; and adding a new section to chapter 28B.20 RCW.

Referred to Committee on Judiciary.

HB 1414 by Representatives P. King, Dellwo and Appelwick; by request of Administrator for the Courts

AN ACT Relating to the judicial information system fund; and adding a new chapter to Title 2 RCW.

Referred to Committee on Judiciary.

HB 1415 by Representatives Jacobsen, Van Luven, Doty, Anderson and P. King; by request of Higher Education Coordinating Board

AN ACT Relating to tuition fees; amending RCW 28B.15.020, 28B.15.067, 28B.15.202, 28B.15.402, and 28B.15.502; and reenacting and amending RCW 28B.15.070, 28B.15.100, and 28B.15.076.

Referred to Committee on Higher Education.

HB 1416 by Representatives Jacobsen, Van Luven, Spanel, Doty, Kremen, Anderson, O'Brien, Locke, Betzoff, Nelson, Fraser, P. King, R. King, Basich, Brekke and Phillips; by request of Higher Education Coordinating Board

AN ACT Relating to student financial aid; amending RCW 28B.15.065; and providing an effective date.

Referred to Committees on Higher Education/Appropriations

HB 1417 by Representatives Heavey, Doty, Jacobsen, Van Luven, Anderson, Kremen, O'Brien, Locke, Moyer, Miller, Schoon, Betzoff, D. Sommers, Ferguson, Wineberry, P. King, Wood, R. King,

Sprenkle and Basich; by request of Higher Education Coordinating Board

AN ACT Relating to the educational opportunity grant program; and adding new sections to chapter 28B.10 RCW.

Referred to Committees on Higher Education/Appropriations.

HB 1418 by Representatives Padden, Moyer, Fuhrman, Wolfe, Day, Crane, Smith, Chandler, Ballard and Tate

AN ACT Relating to moral nuisances; adding new sections to chapter 7.48A RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1419 by Representatives Padden and P. King

AN ACT Relating to local government building codes; and amending RCW 19.27.040, 19.27.060, and 19.27.074.

Referred to Committee on Housing.

HB 1420 by Representatives Padden, Chandler, Van Luven and Horn

AN ACT Relating to local sales and use taxes; and amending RCW 82.14.060.

Referred to Committee on Revenue.

HB 1421 by Representatives Smith, Chandler, Baugher, Rayburn and Ballard

AN ACT Relating to exemptions from utility taxes for businesses engaged in the provision of domestic water; and amending RCW 82.16.040.

Referred to Committee on Revenue.

HB 1422 by Representatives Crane, Padden and Heavey

AN ACT Relating to a central registry of judgments; amending RCW 4.56.200 and 4.64.100; reenacting and amending RCW 4.64.120; adding a new chapter to Title 4 RCW; and providing an effective date.

Referred to Committee on Judiciary.

HB 1423 by Representatives Day, Cantwell, Wineberry, Schoon, Rasmussen, Doty, Kremen, McLean, Rayburn, Jesernig, Ferguson, Jacobsen, Rector and P. King

AN ACT Relating to city and county seed capital pools; and adding a new chapter to Title 36 RCW.

Referred to Committee on Trade & Economic Development.

HB 1424 by Representatives Pruitt, Betrozoff, K. Wilson, Walker, P. King, Fuhrman, Jones, Dorn, Rasmussen, Peery, Cole, Day, R. Meyers, Heavey, Phillips, Schoon, Rust, Brumsickle, Sprenkle, Horn, May, Winsley, Bowman, Brough, Beck, Moyer, Ferguson, Wood and Basich

AN ACT Relating to outcome-based education; amending RCW 28A.100.017; and making appropriations.

Referred to Committees on Education/Appropriations.

HB 1425 by Representatives Winsley, Wang, Peery, Kremen, Rasmussen, Ebersole, Pruitt, Heavey, Anderson, Walker, May, Rayburn, Patrick, Jesernig, O'Brien, Locke, Van Luven, Bowman, Brough, Beck, Moyer, Miller, Schoon, D. Sommers, Ferguson, Wineberry, P. King, Wood, Sprenkle, Spanel, Dorn, Morris, Todd and Phillips

AN ACT Relating possession of controlled substances; amending RCW 69.50.401 and 69.50.101; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1426 by Representatives Winsley, R. King and P. King

AN ACT Relating to the hound stamp; amending RCW 77.32.350; adding a new section to chapter 77.32 RCW; and creating a new section.

Referred to Committee on Fisheries & Wildlife.

HB 1427 by Representatives Winsley, Leonard, Nutley, Brekke, Schoon, Ebersole, Anderson and Todd

AN ACT Relating to the classification and valuation of multiple-unit buildings devoted primarily to low-income housing at current use value; adding a new chapter to Title 84 RCW; and providing a contingent effective date.

Referred to Committee on Housing.

HB 1428 by Representatives Betrozoff, Peery, Rasmussen, Walker, Dorn, Pruitt, Holland, Schoon, Brumsickle, Horn, Fuhrman, Silver, McLean, May, Brough, Moyer, D. Sommers, Tate, Youngsman, Ferguson, Wood and Phillips

AN ACT Relating to outcome-based education programs; and adding new sections to chapter 28A.03 RCW.

Referred to Committees on Education/Appropriations.

HB 1429 by Representatives Betrozoff, Peery, Walker, Brough, Schoon, Ferguson, Fraser, Dorn and Brekke

AN ACT Relating to school levies; amending RCW 84.52.053; and providing a contingent effective date.

Referred to Committee on Education.

HB 1430 by Representatives Jacobsen, Miller, Spanel, Belcher, Brough, G. Fisher, Peery, Cole, Van Luven, Appelwick, Locke, R. King, K. Wilson, Anderson, Ebersole, Grant, Hine, Holland, Kremen, Wineberry, Wang, Wood, Leonard, Prentice, Pruitt, Dellwo, Basich, Dorn, Brekke, Morris, Todd and Phillips

AN ACT Relating to gender equality in higher education; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

HB 1431 by Representatives Jacobsen, Nelson, P. King and Phillips

AN ACT Relating to saving electric energy through planting of shade trees; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Energy & Utilities.

HB 1432 by Representatives Haugen, S. Wilson, Cole, Prentice, Bowman, Beck and Miller

AN ACT Relating to motor vehicle records; and amending RCW 46.12.380.

Referred to Committee on Transportation.

HB 1433 by Representatives Wineberry, R. Fisher, McLean, Anderson, Nelson, Wang, Inslee, R. King and Todd

AN ACT Relating to elections; amending RCW 29.07.160; and adding a new section to chapter 29.07 RCW.

Referred to Committee on State Government.

HB 1434 by Representatives Walk and Betrozoff

AN ACT Relating to vehicle license fees; amending RCW 46.16.085, 46.16.090, and 46.68.035; reenacting and amending RCW 46.16.070; and creating a new section.

Referred to Committee on Transportation.

HB 1435 by Representatives Jacobsen, Miller, Walk, Heavey, G. Fisher, Prince, Doty, Basich, Brumsickle, Fraser, Anderson, Kremen, Rayburn, Patrick, Winsley, Schoon, Valle, Hankins, D. Sommers, Ferguson, Wineberry, Rector, Wang, P. King, Leonard, Inslee, Prentice, Sayan, Spanel, Brekke, Todd and Smith

AN ACT Relating to adult literacy; creating new sections; and making an appropriation.

Referred to Committees on Higher Education/Appropriations.

HB 1436 by Representatives Todd, R. Fisher, Smith, Haugen, Hankins, K. Wilson, Gallagher, Patrick, Jones, Jacobsen, Betzoff and P. King; by request of Legislative Transportation Committee

AN ACT Relating to public transit; amending RCW 36.57.050; adding a new section to chapter 36.57 RCW; and adding new sections to chapter 36.57A RCW.

Referred to Committee on Transportation.

HB 1437 by Representatives Todd, R. Fisher, Smith, Haugen, Hankins, K. Wilson, Gallagher, Patrick, Jacobsen, Jones, Winsley, Betzoff, Nelson and Walk; by request of Legislative Transportation Committee

AN ACT Relating to urban arterials; and amending RCW 47.26.220.

Referred to Committee on Transportation.

HB 1438 by Representatives Todd, R. Fisher, Smith, Haugen, Hankins, K. Wilson, Gallagher, Patrick, Jacobsen, Jones, Winsley and Walk; by request of Legislative Transportation Committee

AN ACT Relating to public transportation reporting requirements; and adding new sections to chapter 35.58 RCW.

Referred to Committee on Transportation.

HB 1439 by Representatives Todd, Walker, G. Fisher, Prentice, Wood, S. Wilson, Gallagher, Walk, Jones, Betzoff, R. Meyers, Anderson, Brekke, Crane, Brough, Cole, Rayburn, Pruitt, Kremen, Chandler, Brumsickle, Patrick, Day, Jesernig, Winsley, Bowman, Horn, Youngsman, Ferguson, Wineberry, P. King, Scott, R. King, Dorn, Rasmussen and Phillips

AN ACT Relating to student suspension; and amending RCW 28A.58.1011.

Referred to Committee on Education.

HB 1440 by Representatives Braddock, Leonard, Brooks and Anderson; by request of Board of Pharmacy

AN ACT Relating to syringes and needles; and amending RCW 69.50.412.

Referred to Committee on Health Care.

HB 1441 by Representatives Braddock, Leonard, Brooks, Anderson, Wolfe, Bowman, D. Sommers and Prentice; by request of Board of Pharmacy

AN ACT Relating to the board of pharmacy; and adding new sections to chapter 18.64 RCW.

Referred to Committee on Health Care.

HB 1442 by Representatives Walk, Schmidt, Baugher, O'Brien, Locke, Nelson, Leonard, Prentice, Hine, Brekke and Phillips; by request of Governor Gardner

AN ACT Relating to the budget; amending section 2, chapter 10, Laws of 1987 1st ex. sess. (uncodified); amending section 18, chapter 10, Laws of 1987 1st ex. sess. as amended by section 5, chapter 283, Laws of 1988 (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

HB 1443 by Representatives Hine, Silver, Sayan, O'Brien, Locke, D. Sommers and Basich; by request of Governor Gardner and State Treasurer

AN ACT Relating to actuarial funding of state pension systems; amending RCW 41.26.005, 41.26.040, 41.26.070, 41.26.080, 41.26.450, 41.32.005, 41.32.030, 41.32.401, 41.32.403, 41.32.775, 41.40.005, 41.40.080, 41.40.370, 41.40.650, 43.43.220, 43.88.090, and 43.88.530; adding a new chapter to Title 41 RCW; and repealing RCW 41.04.040, 41.04.050, 41.04.280,

41.32.110, 41.32.4982, 41.32.4983, 41.40.065, 41.32.150, 41.40.361, 43.43.200, 43.88.085, and 82.32.400.

Referred to Committee on Appropriations.

HB 1444 by Representatives Peery, Berozoff, G. Fisher, Holland, Walker, May, O'Brien, Locke, Winsley, Bowman, Moyer, Valle, Horn, D. Sommers, Ferguson, Wineberry, Rector, Prentice, R. King, Sprengle, Basich, Dorn, Rust, Todd and H. Myers; by request of Governor Gardner

AN ACT Relating to students at risk; amending RCW 28A.120.010, 28A.120.014, 28A.120.016, 28A.120.018, 28A.120.020, 28A.120.022, 28A.120.024, 28A.120.026, 28A.120.030, 28A.120.032, 28A.120.034, 28A.120.036, 28A.58.087, 28A.41.130, and 28A.02.061; adding new sections to chapter 28A.120 RCW; adding a new section to chapter 28A.41 RCW; creating new sections; and repealing RCW 28A.120.060, 28A.120.062, 28A.120.064, 28A.120.066, 28A.120.068, 28A.120.070, and 28A.120.072.

Referred to Committees on Education/Appropriations.

HB 1445 by Representatives Inslee, Jacobsen, Heavey, Kremen, Winsley, Rector, Nelson, Wang, Fraser, Leonard, Prentice, Sayan, Dellwo, Sprengle, Spanel, Basich, Brekke and H. Myers; by request of Governor Gardner

AN ACT Relating to the state needs grant program; and amending RCW 28B.10.802, 28B.10.806, and 28B.10.808.

Referred to Committee on Higher Education.

HB 1446 by Representatives Inslee, Jacobsen, Winsley, Wineberry, Wang, P. King, Scott, Leonard, Prentice, R. King, Sayan, Dellwo, Sprengle and Morris; by request of Governor Gardner

AN ACT Relating to the future teacher conditional scholarship program; and amending RCW 28B.102.020 and 28B.102.060.

Referred to Committee on Higher Education.

HB 1447 by Representatives Hargrove, Jones, Belcher, Beck and Brunsickle

AN ACT Relating to the sale of valuable materials; and amending RCW 79.01.132, 79.01.184, and 79.01.200.

Referred to Committee on Natural Resources & Parks.

HB 1448 by Representatives Jacobsen, R. Meyers, Ballard, Jesernig, Miller, Brough, Silver, May, Grant and D. Sommers

AN ACT Relating to low-level radioactive waste surcharges; and amending RCW 43.200.170.

Referred to Committees on Energy & Utilities/Appropriations.

HB 1449 by Representatives Brough, Holland, Sayan, Haugen, Wolfe, Prince, Beck, Rust, Peery, Cole, Todd, Walker, May, O'Brien, Locke, Bowman, Moyer, Miller, D. Sommers, Dellwo, Morris, Appelwick and Berozoff

AN ACT Relating to bazaars and rummage sales; amending RCW 82.04.365 and 82.08.0251; and declaring an emergency.

Referred to Committee on Revenue.

HB 1450 by Representatives R. Meyers, Heavey, Schmidt, Walk, D. Sommers, Todd, Kremen, Jones, Zellinsky, Haugen, Wood, Prentice, Cooper, Chandler and Winsley

AN ACT Relating to motor fuel inspections; adding a new chapter to Title 19 RCW; prescribing penalties; making an appropriation; and providing an effective date.

Referred to Committee on Transportation.

HB 1451 by Representatives Patrick, Appelwick, Moyer, Schmidt, Bowman, R. Meyers, Crane, Brough, Belcher, Dellwo, Locke, Tate, Padden, D. Sommers, P. King, Wineberry, Anderson, Kremen, Walker, Winsley, Beck, Miller, Schoon, Berozoff, Silver, Youngsman,

Ferguson, Rector, Cooper, Wood, Scott, Sayan, Ebersole, Basich, Todd, H. Myers and Smith

AN ACT Relating to the creation of law enforcement medal of honor; and adding a new chapter to Title 41 RCW.

Referred to Committee on State Government.

HB 1452 by Representatives O'Brien, Patrick, R. King, Sayan, Leonard, Cole, Heavey and Vekich

AN ACT Relating to notice of temporary total disability; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Commerce & Labor.

HB 1453 by Representatives Brooks, Sprengle, Moyer, Wolfe, Ebersole, Ballard, Braddock and Winsley

AN ACT Relating to the impaired physician program; amending RCW 18.72.301 and 18.72.306; and declaring an emergency.

Referred to Committee on Health Care.

HB 1454 by Representatives Todd, Patrick, Cantwell, Walk and P. King

AN ACT Relating to transportation benefit districts; and amending RCW 36.73.020, 35.21.225, and 36.73.040.

Referred to Committee on Transportation.

HB 1455 by Representatives Appelwick, Patrick, Heavey and Brough

AN ACT Relating to the election of district court judges; amending RCW 3.34.050, 3.34.060, and 3.30.080; adding a new section to chapter 3.38 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1456 by Representatives Cooper, Nealey, Haugen, Winsley, Jones, Fraser, Prince, Bristow and Ballard

AN ACT Relating to the distribution and payment of investment earnings on property tax receipts; and amending RCW 36.29.020, 84.56.230, and 84.56.280.

Referred to Committee on Local Government.

HB 1457 by Representatives Appelwick, Schmidt, Dellwo, Patrick, Braddock, Belcher, Sayan, Locke, Wineberry and P. King; by request of Office of Financial Management

AN ACT Relating to the indeterminate sentence review board; amending RCW 9.95-.009, 9.95.115, and 9.95.0011; adding a new section to chapter 9.95 RCW; repealing RCW 9.95.0012; repealing section 1, chapter 224, Laws of 1986 (uncodified); and repealing section 14, chapter 224, Laws of 1986 (uncodified).

Referred to Committee on Judiciary.

HB 1458 by Representatives Grant, Brooks, Braddock and Sprengle; by request of Department of Corrections

AN ACT Relating to the inmate exchange and custody compact; adding a new chapter to Title 72 RCW; and declaring an emergency.

Referred to Committee on Health Care.

HB 1459 by Representatives Cole, Phillips, Wood, Wineberry, Jones, R. King, R. Fisher, Scott, Van Loven, Todd, Leonard, Belcher, Prentice, Spanel, Pruitt, Basich, Jacobsen, Fraser, Nutley, Rust, Brekke, Wang, Anderson, Valle, Nelson and Ebersole

AN ACT Relating to corporal punishment in public schools; and adding a new section to chapter 28A.58 RCW.

Referred to Committee on Education.

HB 1460 by Representatives Baugher, Schmidt, Anderson, Ferguson, Todd, R. Meyers and R. King

AN ACT Relating to speed limits in construction zones; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

HB 1461 by Representatives Crane, Locke and Patrick; by request of Administrator for the Courts

AN ACT Relating to the district and municipal courts; amending RCW 3.02.010, 3.30.040, 3.34.020, 3.34.060, 3.34.100, 3.38.020, 3.38.030, 3.38.060, 3.46.050, 3.46.120, 3.46.150, 3.50.040, 3.50.060, 3.50.100, 3.50.805, 3.58.020, 3.58.030, 3.62.020, 3.62.040, 3.62.070, 3.62.090, 3.52.010, and 3.52.220; adding a new section to chapter 3.34 RCW; adding a new section to chapter 3.46 RCW; creating a new section; and repealing RCW 3.46.060.

Referred to Committee on Judiciary.

HB 1462 by Representatives Jacobsen, Cole, Prince, Jesernig and P. King

AN ACT Relating to a center for participatory management at the University of Washington; adding new sections to chapter 28B.20 RCW; creating a new section; and making an appropriation.

Referred to Committee on Higher Education.

HB 1463 by Representatives R. Meyers, Schmidt, Walk, Heavey, D. Sommers, Todd, Zellinsky, Haugen, Wood, Prentice, Cantwell, Cooper, May and Patrick; by request of Legislative Transportation Committee

AN ACT Relating to tow trucks; amending RCW 46.55.020, 46.55.030, 46.55.040, 46.55.060, 46.55.080, 46.55.100, 46.55.110, 46.55.120, 46.55.130, 46.55.140, 46.55.150, 46.55.180, 46.55.200, and 46.55.240; reenacting and amending RCW 46.55.010; adding new sections to chapter 46.55 RCW; recodifying RCW 46.61.567; repealing RCW 46.61.563; and prescribing penalties.

Referred to Committee on Transportation.

HB 1464 by Representatives R. Meyers, Schmidt, Walk, McLean, Heavey, D. Sommers, Todd, Zellinsky, Haugen, Wood, Prentice, Cantwell, Cooper, May, Beck, Ballard and Betrozoff; by request of Legislative Transportation Committee

AN ACT Relating to licensing of commercial drivers; amending RCW 28A.04.131, 46.20.470, 46.37.010, 46.52.120, 46.55.090, 46.61.519, and 46.90.300; reenacting and amending RCW 46.52.130 and 46.63.020; creating a new chapter in Title 46 RCW; creating a new section; repealing RCW 46.20.440, 46.20.450, and 46.20.460; prescribing penalties; making an appropriation; and providing effective dates.

Referred to Committee on Transportation.

HB 1465 by Representatives R. Meyers, Schmidt, Walk, Heavey, D. Sommers, Cooper, Jones and Betrozoff; by request of Legislative Transportation Committee

AN ACT Relating to programs administered by the department of licensing; amending RCW 10.05.060, 46.01.030, 46.01.090, 46.01.100, 46.04.303, 46.04.304, 46.04.305, 46.04.330, 46.04.580, 46.09.080, 46.09.140, 46.10.050, 46.10.140, 46.12.070, 46.12.140, 46.12.151, 46.12.181, 46.16.270, 46.20.021, 46.20.055, 46.20.091, 46.20.100, 46.20.118, 46.20.119, 46.20.130, 46.20.161, 46.20.181, 46.20.270, 46.20.285, 46.20.293, 46.20.311, 46.20.326, 46.20.342, 46.20.391, 46.20.911, 46.29.110, 46.29.330, 46.29.430, 46.29.610, 46.61.655, 46.61.685, 46.61.688, 46.64.048, 46.65.070, 46.65.090, 46.70.029, 46.70.041, 46.70.061, 46.70.083, 46.70.085, 46.76.040, 46.79.010, 46.79.020, 46.79.070, 46.80.030, 46.82.410, and 46.90.300; reenacting and amending RCW 46.37.530 and 46.63.020; adding a new section to chapter 46.04 RCW; repealing RCW 46.20.171, 46.20.416, 46.20.418, 46.20.599, and 46.29.625; and prescribing penalties.

Referred to Committee on Transportation.

HB 1466 by Representatives R. Meyers, S. Wilson, Walk, McLean, Schmidt and Rector; by request of Legislative Transportation Committee

AN ACT Relating to programs administered by the department of licensing; amending RCW 46.04.302, 46.12.160, 46.12.290, 46.20.120, 46.20.205, 46.20.300, 46.20.308, 46.20.510, 46.65.065, 46.70.011, 46.70.027, 46.70.070, 46.70.101, 46.80.110, 46.82.320, 46.82.360, and 82.50.010; adding new sections to chapter 46.04 RCW; adding new sections to chapter 46.70 RCW; adding a new section to chapter 46.79 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1467 by Representatives Baugher, Prince, Schmidt, Walk, Cantwell, Zellinsky, Day and Winsley; by request of Legislative Transportation Committee

AN ACT Relating to the transportation capital facilities account; creating a new chapter in Title 47 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1468 by Representatives Ebersole, Betzoff, R. Meyers, Holland, Bristow, Spanel, Wang, Kremen, Walker, May, Patrick, Miller, Ballard, Horn, D. Sommers, Youngsman, Ferguson, P. King, Pruitt and Basich

AN ACT Relating to the award for educational excellence; and amending RCW 28A.03.523.

Referred to Committee on Education.

HB 1469 by Representatives Braddock, Baugher, Brekke and Gallagher

AN ACT Relating to dentistry; reenacting and amending RCW 18.120.020 and 18.130.040; adding a new chapter to Title 18 RCW; adding new sections to chapter 43.131 RCW; and making an appropriation.

Referred to Committee on Health Care.

HB 1470 by Representatives Appelwick, Vekich, Braddock, Schoon and Dorn

AN ACT Relating to video reproduction games; amending RCW 9.46.0311, 9.46.0325, 9.46.070, and 9.46.110; reenacting and amending RCW 9.46.230; adding new sections to chapter 9.46 RCW; and making an appropriation.

Referred to Committee on Commerce & Labor.

HB 1471 by Representatives Jacobsen, Wood, Anderson, Van Luven and Wang

AN ACT Relating to library services provided by the state institutions of higher education; adding a new section to chapter 28B.85 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1472 by Representatives Basich, Zellinsky, Cole, Ebersole, Walk, Scott and Sprenkle

AN ACT Relating to the teachers' retirement system; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Appropriations.

HB 1473 by Representatives Basich, Peery, Dorn, McLean, Belcher, Cole, Wineberry, Scott, Ebersole, K. Wilson, Anderson, Pruitt, Rasmussen and Brekke

AN ACT Relating to the development of curricula for enhancing self-esteem and personal and social responsibility for at-risk children; creating new sections; providing an expiration date; and making an appropriation.

Referred to Committees on Education/Appropriations.

HB 1474 by Representatives Winsley, Brekke, Heavey, Leonard, Bristow, Padden, Anderson, Moyer, Wang, Rayburn, Fuhrman, Walker, D. Sommers, Silver and Prentice

AN ACT Relating to adoption fees; and amending RCW 74.15.030.

Referred to Committee on Human Services.

HB 1475 by Representatives Winsley, Dellwo, K. Wilson, Chandler, Zellinsky, Beck, Day, Schmidt, Todd, Ferguson, D. Sommers and Wang

AN ACT Relating to the measure of damages to a motor vehicle; and adding a new section to chapter 4.56 RCW.

Referred to Committee on Judiciary.

HB 1476 by Representatives Basich, Doty, Spanel, Cantwell, Vekich, Kremen, Hargrove, Schoon, Sayan, Baugher, Inslee, Jesernig, Rasmussen, Rayburn, Walk, Jones, Rector, Raiter, Locke, Moyer, Youngsman,

Walker, Winsley, Bowman, Brough, D. Sommers, Silver, Tate, Ferguson, Wineberry, P. King, Pruitt, Ebersole, Sprengle, Morris and Todd

AN ACT Relating to the development of marketplace programs; adding new sections to chapter 43.31 RCW; and making an appropriation.

Referred to Committee on Trade & Economic Development.

HB 1477 by Representatives Prentice, Brooks, Braddock, Anderson, Kremen, Patrick, O'Brien, Locke, Schoon, Sayan and Todd; by request of Higher Education Coordinating Board

AN ACT Relating to educational assistance for nurses; and amending RCW 28B.104.020.

Referred to Committee on Higher Education.

HB 1478 by Representatives Braddock, Brooks and D. Sommers; by request of Board of Pharmacy

AN ACT Relating to the board of pharmacy; amending RCW 18.64.044, 18.64.245, 18.64.080, 18.64.165, and 69.41.020; reenacting and amending RCW 42.17.310; and adding new sections to chapter 69.41 RCW.

Referred to Committee on Health Care.

HB 1479 by Representatives Locke, Silver, Grant, H. Sommers, Holland and Sayan; by request of Governor Gardner

AN ACT Relating to the budget; amending section 107, chapter 7, Laws of 1987 1st ex. sess. as amended by section 102, chapter 289, Laws of 1988 (uncodified); amending section 108, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 111, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 113, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 114, chapter 7, Laws of 1987 1st ex. sess. as amended by section 105, chapter 289, Laws of 1988 (uncodified); amending section 130, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 201, chapter 7, Laws of 1987 1st ex. sess. as amended by section 201, chapter 289, Laws of 1988 (uncodified); amending section 217, chapter 7, Laws of 1987 1st ex. sess. as amended by section 215, chapter 289, Laws of 1988 (uncodified); amending section 219, chapter 7, Laws of 1987 1st ex. sess. as amended by section 217, chapter 289, Laws of 1988 (uncodified); amending section 223, chapter 7, Laws of 1987 1st ex. sess. as amended by section 218, chapter 289, Laws of 1988 (uncodified); amending section 303, chapter 7, Laws of 1987 1st ex. sess. as amended by section 303, chapter 289, Laws of 1988 (uncodified); amending section 312, chapter 7, Laws of 1987 1st ex. sess. as amended by section 308, chapter 289, Laws of 1988 (uncodified); amending section 313, chapter 7, Laws of 1987 1st ex. sess. as amended by section 309, chapter 289, Laws of 1988 (uncodified); amending section 316, chapter 7, Laws of 1987 1st ex. sess. as amended by section 313, chapter 289, Laws of 1988 (uncodified); amending section 318, chapter 7, Laws of 1987 1st ex. sess. as amended by section 311, chapter 289, Laws of 1988 (uncodified); amending section 12, chapter 8, Laws of 1987 1st ex. sess. as amended by section 312, chapter 289, Laws of 1988 (uncodified); amending section 55, chapter 112, Laws of 1988 (uncodified); amending section 402, chapter 7, Laws of 1987 1st ex. sess. as amended by section 402, chapter 289, Laws of 1988 (uncodified); amending section 502, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 503, chapter 7, Laws of 1987 1st ex. sess. as last amended by section 502, chapter 289, Laws of 1988 (uncodified); amending section 507, chapter 7, Laws of 1987 1st ex. sess. as amended by section 506, chapter 289, Laws of 1988 (uncodified); amending section 509, chapter 7, Laws of 1987 1st ex. sess. as amended by section 508, chapter 289, Laws of 1988 (uncodified); amending section 510, chapter 7, Laws of 1987 1st ex. sess. as amended by section 509, chapter 289, Laws of 1988 (uncodified); amending section 511, chapter 7, Laws of 1987 1st ex. sess. as amended by section 510, chapter 289, Laws of 1988 (uncodified); amending section 513, chapter 7, Laws of 1987 1st ex. sess. as amended by section 511, chapter 289, Laws of 1988 (uncodified); amending section 514, chapter 7, Laws of 1987 1st ex. sess. as amended by section 512, chapter 289, Laws of 1988 (uncodified); amending section 515, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 516, chapter 7, Laws of 1987 1st ex. sess. as amended by section 513, chapter 289, Laws of 1988 (uncodified); amending section 521, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 522, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 601, chapter 7, Laws of 1987 1st ex. sess. as amended by section 601, chapter 289, Laws of 1988 (uncodified); amending section 603, chapter 7, Laws of 1987 1st ex. sess. as amended by section 603, chapter 289, Laws of 1988 (uncodified); amending section 604, chapter 7, Laws of 1987 1st ex. sess. as amended by section 604, chapter 289, Laws of 1988 (uncodified); amending section 712, chapter 7, Laws of 1987 1st ex. sess. as amended by section

705, chapter 289, Laws of 1988 (uncodified); amending section 714, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 715, chapter 7, Laws of 1987 1st ex. sess. as amended by section 706, chapter 289, Laws of 1988 (uncodified); amending section 716, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 717, chapter 7, Laws of 1987 1st ex. sess. as amended by section 707, chapter 289, Laws of 1988 (uncodified); amending section 708, chapter 289, Laws of 1988 (uncodified); creating new sections; repealing section 202, chapter 7, Laws of 1987 1st ex. sess., section 202, chapter 289, Laws of 1988 (uncodified); repealing section 203, chapter 7, Laws of 1987 1st ex. sess., section 203, chapter 289, Laws of 1988 (uncodified); repealing section 204, chapter 7, Laws of 1987 1st ex. sess., section 204, chapter 289, Laws of 1988 (uncodified); repealing section 205, chapter 7, Laws of 1987 1st ex. sess., section 205, chapter 289, Laws of 1988 (uncodified); repealing section 206, chapter 7, Laws of 1987 1st ex. sess., section 206, chapter 289, Laws of 1988 (uncodified); repealing section 207, chapter 7, Laws of 1987 1st ex. sess., section 207, chapter 289, Laws of 1988 (uncodified); repealing section 208, chapter 7, Laws of 1987 1st ex. sess., section 208, chapter 289, Laws of 1988 (uncodified); repealing section 209, chapter 7, Laws of 1987 1st ex. sess., section 209, chapter 289, Laws of 1988 (uncodified); repealing section 210, chapter 7, Laws of 1987 1st ex. sess., section 210, chapter 289, Laws of 1988 (uncodified); repealing section 211, chapter 7, Laws of 1987 1st ex. sess., section 211, chapter 289, Laws of 1988 (uncodified); repealing section 212, chapter 7, Laws of 1987 1st ex. sess., section 212, chapter 289, Laws of 1988 (uncodified); repealing section 213, chapter 7, Laws of 1987 1st ex. sess., section 213, chapter 289, Laws of 1988 (uncodified); repealing section 214, chapter 7, Laws of 1987 1st ex. sess., section 214, chapter 289, Laws of 1988 (uncodified); repealing section 215, chapter 7, Laws of 1987 1st ex. sess. (uncodified); repealing section 216, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and repealing section 56, chapter 112, Laws of 1988 (uncodified); and declaring an emergency.

Referred to Committee on Appropriations.

HB 1480 by Representatives Hankins, Sayan, R. Fisher, Belcher and Fraser; by request of Secretary of State

AN ACT Relating to the productivity board; amending RCW 41.60.041, 41.60.100, 41.60.110, 41.60.120, and 41.60.150; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 1481 by Representatives Chandler, Rust, Winsley, Nealey, Schmidt, S. Wilson, Silver, Fuhrman, Betzoff and Smith

AN ACT Relating to biodegradable plastic solid waste; adding a new section to chapter 70.95 RCW; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 1482 by Representatives Chandler, Smith, Rayburn, Hankins, Rasmussen, Silver, K. Wilson, Miller, May, Doty, Fuhrman, Brooks, Holland, Jesernig, Youngsman, Grant, Tate, S. Wilson, McLean, Walker, Bowman, Beck, Ballard, D. Sommers, Rector and Inslee

AN ACT Relating to the taxation of food; and amending RCW 82.08.0293 and 82.12.0293.

Referred to Committee on Revenue.

HB 1483 by Representatives Appelwick, Locke, Valle, Cole, O'Brien, Leonard, Ferguson, Heavey and Brough

AN ACT Relating to major airports in unincorporated areas; and adding a new section to chapter 14.12 RCW.

Referred to Committee on Local Government.

HB 1484 by Representatives H. Sommers, Schoon, Sayan and Rasmussen; by request of Governor Gardner

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 43.83A.020, 43.99E.015, 43.99F.020, 43.99G.020, 43.99G.102, 75.48.020, 39.42.030, and 39.42.060; adding a new section to chapter 43.88 RCW; adding a new chapter to Title 43 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Capital Facilities & Financing.

HB 1485 by Representatives Jacobsen, Dellwo and Heavey

AN ACT Relating to interest rates on postsecondary education loans; and adding a new section to chapter 24.03 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1486 by Representatives Haugen, Zellinsky and Nelson

AN ACT Relating to trucks stopped in roadways; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

HB 1487 by Representatives Jacobsen, Haugen, Ferguson, Baugher, Beck, Anderson, Zellinsky, Rector, Crane, Hine, Walk, R. King, Leonard, Prentice, Day, Todd, Appelwick, Dorn, Basich and Winsley

AN ACT Relating to parking restrictions; and adding a new section to chapter 47.26 RCW.

Referred to Committee on State Government.

HB 1488 by Representatives Cole, Patrick, Prentice, Vekich, Jones, Smith, Leonard, R. King and Walker

AN ACT Relating to safety and health protections for ferry system employees; amending RCW 49.17.030; adding a new section to chapter 47.56 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1489 by Representatives Bristow, Van Luven, Baugher and Fuhrman

AN ACT Relating to medical education; and adding a new section to chapter 28B.80 RCW.

Referred to Committee on Health Care.

HB 1490 by Representatives Peery, Berozoff, Locke, Holland, Walker, Van Luven, Brough, Miller, Rayburn, Jacobsen, Nelson, P. King, Cole, Sayan, Dorn, Morris and H. Myers

AN ACT Relating to school construction; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

HB 1491 by Representatives Leonard, Schoon, Moyer, Prentice, Anderson, Raiter, Hine, Wineberry, Todd, Vekich, Cooper, Brekke, Jacobsen, Nelson, R. King, Pruitt, Sayan, Spanel, Basich and Rasmussen

AN ACT Relating to community action agencies; and adding new sections to chapter 43.63A RCW.

Referred to Committee on Human Services.

HB 1492 by Representatives Ebersole, D. Sommers, Vekich, Cantwell, Chandler, Jones, Morris, Day, May, R. Meyers, Anderson, P. King and Phillips

AN ACT Relating to practice rights for chiropractors; amending RCW 18.25.005; and adding a new section to chapter 18.25 RCW.

Referred to Committee on Health Care.

HB 1493 by Representatives O'Brien, Wolfe, Patrick, Leonard and May; by request of Department of Labor and Industries

AN ACT Relating to medical aid premiums; and amending RCW 51.16.140.

Referred to Committee on Commerce & Labor.

HB 1494 by Representatives O'Brien and Patrick; by request of Department of Labor and Industries

AN ACT Relating to information required by the department of labor and industries for health care contracts; adding a new section to chapter 51.36 RCW; and making an appropriation.

Referred to Committees on Commerce & Labor/Appropriations.

HB 1495 by Representatives Vekich, Cantwell, Hargrove, Basich, Belcher, Kremen, Day, O'Brien, Locke, Jones, Ferguson, Wineberry, Rector, Wang, Cooper, P. King, Walk, Schoon, Sayan, Spanel, Dorn, Rasmussen, Brekke and Morris

AN ACT Relating to business and job retention: amending RCW 43.63A.230; adding a new chapter to Title 43 RCW; adding a new section to chapter 42.17 RCW; adding a new section to chapter 50.13 RCW; and making appropriations.

Referred to Committee on Trade & Economic Development.

HB 1496 by Representatives Cantwell, Brooks, D. Sommers, Braddock, Prentice, Sprenkle, Anderson, May, Beck and P. King

AN ACT Relating to residential care facilities; amending RCW 18.51.010, 18.100.140, 19.27.080, 35A.70.070, 70.127.040, 71.24.025, 71A.12.080, and 71A.22.020; adding a new chapter to Title 71 RCW; repealing RCW 18.20.010, 18.20.020, 18.20.030, 18.20.040, 18.20.050, 18.20.060, 18.20.070, 18.20.090, 18.20.100, 18.20.110, 18.20.120, 18.20.130, 18.20.140, 18.20.150, 18.20.160, 18.20.170, 18.20.900, 35A.66.010, 35A.70.020, 70.96A.090, and 74.08.044; and prescribing penalties.

Referred to Committee on Health Care.

HJR 4208 by Representatives Betrozoff, Peery, Walker, Brough, Fraser, P. King, Dorn and Brekke

Permitting school levies for operation and maintenance to be for a four-year period.

Referred to Committee on Education.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

HB 1025 Prime Sponsor, Representative R. King: Changing standards for commercial fishing licenses. Reported by Committee on Fisheries & Wildlife

January 24, 1989

MAJORITY recommendation: Do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Haugen, Smith, Spanel and Vekich.

Passed to Committee on Rules for second reading.

HB 1038 Prime Sponsor, Representative Haugen: Changing provisions relating to county legislative authority meetings. Reported by Committee on Local Government

January 24, 1989

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe and Wood.

Absent: Representative Zellinsky.

Passed to Committee on Rules for second reading.

HB 1045 Prime Sponsor, Representative Wang: Modifying liquor statutes to improve administration. Reported by Committee on Commerce & Labor

January 20, 1989

MAJORITY recommendation: Do pass with the following amendments:
On page 13, beginning on line 21 after "Sec. 7." strike all material through "66.24.210" on line 26 and insert "Section 38, chapter 62, Laws of 1933 ex. sess. and RCW 66.24.210 are each repealed"

On page 1, line 4 of the title, after "repealing" strike "66.28.130 and"

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representatives R. King, O'Brien and Wolfe.

Referred to Committee on Revenue.

January 24, 1989

HB 1060 Prime Sponsor, Representative Cooper: Revising provisions on issuing state and local government bonds. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe and Wood.

Absent: Representative Zellinsky.

Passed to Committee on Rules for second reading.

January 20, 1989

HB 1089 Prime Sponsor, Representative Prentice: Providing for physician reporting of pesticide-related illness. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representatives R. King and O'Brien.

Referred to Committee on Appropriations.

January 20, 1989

HB 1103 Prime Sponsor, Representative Vekich: Revising provisions for motor vehicle warranties. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 6, beginning on line 7 after "chapter" strike all material through "agreement" on line 9

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representatives R. King, O'Brien and Wolfe.

Passed to Committee on Rules for second reading.

January 20, 1989

HB 1178 Prime Sponsor, Representative Vekich: Regulating sales of water treatment devices. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 13, after "water." insert "Water treatment device" does not include a product for which the only claim made is that it will soften the consumer's water by removing mineral deposits."

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representatives R. King, O'Brien and Wolfe.

Passed to Committee on Rules for second reading.

January 24, 1989

HB 1182 Prime Sponsor, Representative Rust: Revising local government roles in hazardous waste siting. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair, Valle, Vice Chair, D. Sommers, Ranking Republican Member, Brække, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprengle and Walker.

Absent: Representative Van Luvan.

Passed to Committee on Rules for second reading.

January 23, 1989

HB 1240 Prime Sponsor, Representative Braddock: Changing provisions relating to funeral directors. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprenkle, Vekich and Wolfe.

Absent: Representative Vekich.

Passed to Committee on Rules for second reading.

January 23, 1989

HB 1241 Prime Sponsor, Representative Braddock: Adjusting terms for members of the examining board of psychology. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprenkle, Vekich and Wolfe.

Passed to Committee on Rules for second reading.

January 23, 1989

HB 1252 Prime Sponsor, Representative Prentice: Changing provisions relating to registered nurses. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprenkle, Vekich and Wolfe.

Absent: Representative Vekich.

Passed to Committee on Rules for second reading.

January 23, 1989

HB 1253 Prime Sponsor, Representative Prentice: Changing provisions regarding nursing assistants. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprenkle, Vekich and Wolfe.

Absent: Representative Vekich.

Passed to Committee on Rules for second reading.

January 24, 1989

HB 1350 Prime Sponsor, Representative Inslee: Revising marital deduction gifts and survivorship requirements. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Brough, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Scott, Tate and Wineberry.

Absent: Representatives Belcher, Brough, Hargrove, Locke, Schmidt and Van Luvan.

Passed to Committee on Rules for second reading.

January 24, 1989

HB 1358 Prime Sponsor, Representative Crane: Modifying the new Administrative Procedure Act and making conforming amendments. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:
On page 31, line 31, strike subsection (2) of

On page 32, line 2, strike "or (b)" and insert "(~~or~~); (b), (c), (d), (g), or (h)"

On page 32, line 16, after "order," insert "or"

On page 132, line 7, after "eligibility" insert "under RCW 71A.16.040"

On page 132, line 26, after "resident" insert "or his or her representative"

On page 132, line 29, strike "an" and insert "any"

On page 132, line 31, after "include" insert "a statement advising the recipient of"

On page 132, line 31, strike "file an application for"

On page 132, line 32, strike "under this section"

On page 132, line 33, after "filing" insert "an application for an adjudicative proceeding"

On page 132, line 34, after "community" insert "under RCW 71A.20.080"

On page 132, line 34, strike "state" and insert "include a statement advising the recipient"

of"

On page 135, line 9, after "(~~notice of~~)" insert "a statement advising the recipient of"

On page 135, line 10, strike "file an application for"

On page 135, line 11, after "71A.10.050" strike everything through "decision))" on line 12 and insert " and ((~~notice of~~) the right to judicial review of the secretary's final decision"

On page 137, line 21, after "71A.10.070," insert "The secretary shall give written notice of the decision to return a resident to the community as provided in RCW 71A.10.060."

On page 137, line 21, after "include" insert "a statement advising the recipient of"

On page 137, line 22, strike "file an application for"

On page 137, line 23, after "filing" insert "an application for an adjudicative proceeding"

On page 137, line 24, strike "state" and insert "include a statement advising the recipient"

of"

On page 137, line 24, strike "file a petition for"

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Brough, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Scott, Tate and Wineberry.

Absent: Representatives Belcher, Brough, Hargrove, Locke, Schmidt and Van Luven.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Ebersole, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

Representatives Berozoff, Brekke, G. Fisher, Hine, R. King and Todd appeared at the bar of the House.

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

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 89-4608, by Representatives Walk, Dorn, Rasmussen, Brough, Tate and Schoon

WHEREAS, Being named an All American is the highest honor a Division I National Collegiate Athletic Association athlete can attain; and

WHEREAS, Laurie Wetzel was named to the 1988 NCAA All-American Women's Volleyball Team; and

WHEREAS, Laurie played four years of outstanding varsity volleyball, two years as team captain, leading the University of Washington Huskies to their best season ever; and

WHEREAS, Laurie and the Huskies won their way to the honor of playing in the regional playoffs; and

WHEREAS, Laurie was named PAC-10 Player of the Week, to the PAC 10 All-Conference team twice, to the All-Region team, was drafted by the New York professional volleyball team, and was honored by being nominated for P-I Sports Star of the Year; and

WHEREAS, Laurie has demonstrated extraordinary team leadership and individual athletic accomplishments through her hard work and dedication to her sport, while at the same time pursuing a successful academic course;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Laurie Wetzel for the pride which she brought to the State of Washington and celebrate her achievements; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Laurie Wetzel.

Mr. Walk moved adoption of the resolution, and Representatives Walk, Leonard and Dorn spoke in favor of it.

House Floor Resolution No. 89-4608 was adopted.

HOUSE FLOOR RESOLUTION NO. 89-4611, by Representatives Cole, Rust, Inslee and Wineberry

WHEREAS, Ingraham High School's football team, a member of the Metro League and known as the Ingraham Rams, has shown outstanding skill on the gridiron and herculean effort in winning the State AAA Football Championship in December, 1988; and

WHEREAS, The Ingraham Rams won the honor of playing the state championship game, vying for the Class AAA Kingbowl XII title in the Seattle Kingdome against the mighty Kentwood High School Conquerors from Kent; and

WHEREAS, The Ingraham Rams won the championship game and the Class AAA Kingbowl XII title with the score of 21-0; and

WHEREAS, The Rams' victory was the first Class AAA Championship title for a Seattle high school; and

WHEREAS, The coaching staff, comprised of Head Coach Ron Sidenquist and Assistant Coach Joe Clay, led their forty football players to the championship through hard work and dedication to the players and to the sport of football; and

WHEREAS, Ingraham head coach Ron Sidenquist was named "State Coach of the Year" by the Seattle Post-Intelligencer newspaper; and

WHEREAS, The Ingraham Rams have been recognized by the King County Council and the Mayor of the City of Seattle, the Honorable Charles Royer; and

WHEREAS, The Ingraham Rams' team captains, Simon Robinson, Ben DuBois, Ramoun Karlos and Lynton Hyde, instilled pride in themselves, in each other and in their teammates to make this spectacular victory possible; and

WHEREAS, The one thousand five-hundred Ingraham High School students can share in the victory earned by the forty courageous members of the championship football team;

NOW, THEREFORE, BE IT RESOLVED, That The Washington State House of Representatives honor the Ingraham Rams for the pride they brought to the State of Washington and celebrate the team's victories and achievements; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Mayor of Seattle, Charles Royer; to the Ingraham High School Principal, Ammon McWashington; to Rams' Coaches, Ron Sidenquist and Joe Clay; and to each member of the Ingraham High School football team.

Ms. Cole moved adoption of the resolution, and Representatives Cole, Rust, Inslee and Heavey spoke in favor of it.

House Floor Resolution No. 89-4611 was adopted.

MOTIONS

On motion of Mr. Ebersole, House Bill No. 1010 was referred from Committee on Appropriations to Committee on Rules.

On motion of Mr. Ebersole, House Bill No. 1045 was referred from Committee on Revenue to Committee on Rules.

On motion of Mr. Ebersole, House Bill No. 1239 was referred from Committee on Judiciary to Committee on Financial Institutions & Insurance.

On motion of Mr. Ebersole, House Bill No. 1273 was referred from Committee on Judiciary to Committee on Local Government.

On motion of Mr. Ebersole, House Bill No. 1404 was referred from Committee on Commerce & Labor to Committee on Local Government.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Friday, January 27, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

NINETEENTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, January 27, 1989

The House was called to order at 10:00 a.m. by the Speaker (Ms. Hine presiding). The Clerk called the roll and all members were present except Representatives Bristow, Dellwo, P. King, Miller, Moyer, O'Brien and Mr. Speaker. On motion of Mr. Heavey, Representatives Bristow, Dellwo, P. King, O'Brien and Mr. Speaker were excused. On motion of Mr. D. Sommers, Representatives Miller and Moyer were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Barbara Carley and Valerie James. Prayer was offered by The Reverend Aaron Carland, Minister of the Lacey Presbyterian Church.

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

MESSAGE FROM THE SENATE

January 25, 1989

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5031,
SENATE BILL NO. 5032,
SUBSTITUTE SENATE BILL NO. 5033,
SUBSTITUTE SENATE BILL NO. 5034,
ENGROSSED SENATE BILL NO. 5045,
SENATE BILL NO. 5046,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 1497 by Representatives Sayan, R. King and Basich

AN ACT Relating to the removal of dead mammals from beaches; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Fisheries & Wildlife.

HB 1498 by Representatives Belcher, May, Rust and Fraser; by request of Inter-agency Committee for Outdoor Recreation

AN ACT Relating to the interagency committee for outdoor recreation; and amending RCW 43.99.142.

Referred to Committee on Natural Resources & Parks.

HB 1499 by Representatives Hargrove, Belcher, Beck, Basich, Rector and Ferguson

AN ACT Relating to fish and wildlife enhancement; adding a new section to chapter 75.08 RCW; adding a new section to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Fisheries & Wildlife.

HB 1500 by Representatives R. Fisher, Schmidt, Walk, Todd, Zellinsky, Jones, Haugen, Day, Prentice, Cooper, Nelson, Cantwell, Rust, Van Luven, Beck, Jacobsen, Patrick, Hankins, Kremen, May, Fuhrman, Horn, Rector, Bowman, H. Myers, Schoon and P. King

AN ACT Relating to vehicle licensing and registration; amending RCW 46.16.220 and 82.44.060; and providing an effective date.

Referred to Committee on Transportation.

HB 1501 by Representatives Walk, Schmidt, R. Fisher and Walker; by request of Department of Transportation

AN ACT Relating to billboards in commercial and industrial zones; and amending RCW 47.42.020 and 47.42.063.

Referred to Committee on Transportation.

HB 1502 by Representatives Walk and Schmidt; by request of Department of Transportation

AN ACT Relating to oversize and overweight vehicle permit fees; and amending RCW 46.44.0941, 46.44.095, and 46.44.096.

Referred to Committee on Transportation.

HB 1503 by Representatives Ebersole, Schmidt, Walk, Nelson, Jones, Zellinsky, R. Fisher, Beck, S. Wilson, Wang, Heavey, Brough, Schoon, Tate and P. King; by request of Department of Transportation

AN ACT Relating to bonding requirements for construction, alteration, repair, or improvement of state ferries; and amending RCW 39.08.010.

Referred to Committee on Transportation.

HB 1504 by Representatives R. King, D. Sommers, Todd, Belcher, Fraser, S. Wilson, Schmidt, Phillips and Cooper

AN ACT Relating to indoor air quality in publicly owned or leased buildings; and adding a new chapter to Title 70 RCW.

Referred to Committees on Environmental Affairs/Appropriations.

HB 1505 by Representatives Zellinsky, Baugher, Sayan, Dellwo, Chandler, Anderson, Day, Crane, Winsley, Beck, Schmidt, Prentice, Rayburn, Kremen, Rector, Bowman and P. King

AN ACT Relating to rating standards for medicare supplemental health insurance; and adding a new section to chapter 48.66 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1506 by Representatives Cole, Betzoff, Brough, Cantwell, Nutley, Walk, Van Loven, Beck, Rust, Patrick, Nelson, Wood and Brekke

AN ACT Relating to mobile home park closure; adding new sections to chapter 59.20 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Housing.

HB 1507 by Representatives Prentice, Winsley, Heavey, R. King, Jones, R. Meyers, Cole and Pruitt

AN ACT Relating to posting pension information on prevailing wage job sites; and adding a new section to chapter 39.12 RCW.

Referred to Committee on Commerce & Labor.

HB 1508 by Representatives Prentice, Winsley, Betzoff, R. Meyers, Vekich, Cole and Pruitt

AN ACT Relating to licensing painters; creating a new chapter in Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1509 by Representatives Todd, Leonard, Cole, Crane, Dellwo and Prentice

AN ACT Relating to holidays; and amending RCW 1.16.050 and 28A.02.061.

Referred to Committees on State Government/Appropriations.

HB 1510 by Representatives Todd and Nutley

AN ACT Relating to membership on the state building code council; and amending RCW 19.27.070.

Referred to Committee on Housing.

HB 1511 by Representatives Scott, Cantwell, Kremen, Winsley, Cole, Grant, Heavey, Wood, Walker, Van Luven, Jesernig, Beck, Jacobsen, Anderson, Wang, Patrick, Betrozoff, Cooper, R. King, Rector, Bowman, Youngsman, H. Myers, Crane, Jones, Todd, P. King and Wineberry

AN ACT Relating to tax credits for employer-sponsored child care facilities; and adding a new section to chapter 82.04 RCW.

Referred to Committees on Trade & Economic Development/Revenue.

HB 1512 by Representatives H. Sommers, Schoon, Ebersole, Holland, Jacobsen, Rasmussen and P. King; by request of Governor Gardner

AN ACT Relating to capital appropriations; amending section 518, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 837, chapter 6, Laws of 1987 1st ex. sess. (uncodified); adding new sections to chapter 6, Laws of 1987 1st ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Capital Facilities & Financing.

HB 1513 by Representatives Jacobsen, Todd, Anderson, Heavey, K. Wilson, Dellwo, Beck, Bowman and Appelwick

AN ACT Relating to the use of facsimile devices for commercial solicitation; and adding a new section to chapter 80.36 RCW.

Referred to Committee on Energy & Utilities.

HB 1514 by Representatives Jacobsen, Miller, Anderson, R. Fisher, Heavey, S. Wilson and Crane

AN ACT Relating to the establishment of the office of poet laureate; and adding a new chapter to Title 43 RCW.

Referred to Committee on Higher Education.

HB 1515 by Representatives Vekich, Patrick, Jones and Wang; by request of Department of Labor and Industries

AN ACT Relating to asbestos projects; reenacting and amending RCW 49.26.013, 49.26.100, 49.26.110, 49.26.120, 49.26.130, and 49.26.901; reenacting RCW 49.26.016, 49.26.115, 49.26.125, and 49.26.150; creating a new section; making appropriations; and declaring an emergency.

Referred to Committees on Commerce & Labor/Appropriations.

HB 1516 by Representatives R. King, Cole, Jones, Wang and Basich; by request of Department of Labor and Industries

AN ACT Relating to workers' compensation, claim files and benefits; amending RCW 51.28.070, 51.32.050, 51.32.060, and 51.32.090; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1517 by Representatives R. Meyers, Holland, Bristow, Fuhrman, Raiter, Brunsickle, Haugen and Bowman

AN ACT Relating to a business and occupation tax exemption for small timber harvesters; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Revenue.

HB 1518 by Representatives Vekich, Walker, Patrick, Cole, Leonard, R. King, Heavey, Ebersole, Prentice, Basich, Jones and Winsley

AN ACT Relating to industrial insurance coverage; and amending RCW 51.12.095.

Referred to Committee on Commerce & Labor.

HB 1519 by Representatives Wang and R. Fisher

AN ACT Relating to telephone business activities; and amending RCW 35.21.714 and 35.21.715.

Referred to Committee on Revenue.

HB 1520 by Representatives Walk, Schmidt, S. Wilson, Sayan, R. Fisher, Betzoff, R. King, Vekich, Haugen, H. Sommers, R. Meyers and Pruitt; by request of Marine Employees' Commission

AN ACT Relating to the salary survey for ferry system employees; amending RCW 47.64.006, 47.64.220, and 47.64.240; and declaring an emergency.

Referred to Committee on State Government.

HB 1521 by Representatives Leonard, Moyer, Hargrove, Ferguson, Wineberry, Winsley, Anderson, P. King, Brekke, Cole, Raiter, Scott, Prentice and Spanel

AN ACT Relating to consideration of minority race or minority ethnic heritage in adoptions and foster care placement; amending RCW 26.33.240, 13.32A.170, 26.33.020, and 74.15.030; reenacting and amending RCW 13.34.130 and 74.13.031; adding a new section to chapter 26.33 RCW; adding a new section to chapter 74.15 RCW; adding a new section to chapter 13.34 RCW; and adding a new section to chapter 13.32A RCW.

Referred to Committee on Human Services.

HB 1522 by Representatives Heavey, Patrick, Zellinsky, Beck and Baugher

AN ACT Relating to tow truck fees; and adding a new section to chapter 46.55 RCW.

Referred to Committee on Transportation.

HB 1523 by Representatives Kremen, Braddock and Spanel

AN ACT Relating to contractor advertising; and amending RCW 18.27.100.

Referred to Committee on Commerce & Labor.

HB 1524 by Representatives Nelson, Brooks and Braddock; by request of Department of Corrections

AN ACT Relating to Washington state correctional industries; and amending RCW 41.06.071, 43.19.1932, 72.09.060, 72.09.070, 72.09.080, 72.09.090, 72.09.100, 72.09.106, 72.09.110, 72.60.100, 72.60.102, 72.62.020, and 72.63.040.

Referred to Committee on Health Care.

HB 1525 by Representatives Sprengle, Fuhrman, Bristow, Brooks, McLean, Moyer, Wolfe, Chandler, Nealey, D. Sommers, Holland, Hargrove, Prentice, Rector, H. Myers and Jones

AN ACT Relating to the rural health facility licensure model; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care.

HB 1526 by Representatives Fuhrman, Bristow, Moyer, Wolfe, Sprengle, Brooks, Chandler, Morris, Nealey, D. Sommers, Hargrove, McLean, Smith, Hankins, Youngsman, Rector and Jones

AN ACT Relating to a study of health professional cross-credentialing in rural areas; and creating new sections.

Referred to Committee on Health Care.

HB 1527 by Representatives Fuhrman, Bristow, Moyer, Wolfe, Sprengle, Brooks, Chandler, Vekich, Morris, Nealey, D. Sommers, McLean, Holland, Hargrove, Bowman, Hankins, Padden, Betzoff, Smith, Youngsman, Jesernig, S. Wilson, Haugen and Rector

AN ACT Relating to rural hospitals; defining rural hospitals and exempting them from certain certificate of need requirements; and amending RCW 70.38.025 and 70.38.111.

Referred to Committee on Health Care.

HB 1528 by Representatives Fuhrman, Sprengle, Moyer, Wolfe, Bristow, Brooks, Chandler, Nealey, Betzoff, McLean, D. Sommers, Bowman,

Holland, Hargrove, Van Luven, Jesernig, Haugen, Prentice and Rasmussen

AN ACT Relating to the rural health system project; adding a new chapter to Title 70 RCW; prescribing penalties; and making an appropriation.

Referred to Committee on Health Care.

HB 1529 by Representatives Sprenkle, Moyer, Bristow, Fuhrman, Brooks, Chandler, Bowman, D. Sommers, Holland, Hargrove, Patrick, Prentice, P. King and Wineberry

AN ACT Relating to the health professional loan forgiveness program; and adding a new chapter to Title 18 RCW.

Referred to Committees on Health Care/Revenue.

HB 1530 by Representatives Bristow, Sprenkle, Moyer, Wolfe, Fuhrman, Brooks, Chandler, Vekich, Morris, Nealey, D. Sommers, McLean, Holland, Hargrove, Betrozoff, Hankins, Smith, Haugen, Prentice, Rayburn, Rector, H. Myers, Jones and Spanel

AN ACT Relating to rural hospitals; defining rural hospitals and exempting them from state hospital commission rate approval; amending RCW 70.39.020; and adding a new section to chapter 70.39 RCW.

Referred to Committee on Health Care.

HB 1531 by Representatives Brooks, Bristow, Fuhrman, Sprenkle, Chandler, Morris, Vekich, McLean, D. Sommers, Holland, Hargrove, Prentice, Rayburn, Nealey, H. Myers and Spanel

AN ACT Relating to a study of rural training opportunities for health professionals; adding a new section to chapter 28B.80 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1532 by Representatives Bristow, Sprenkle, Moyer, Wolfe, Fuhrman, Brooks, Chandler, D. Sommers, McLean, Holland, Hargrove, Wood, Prentice and Nealey

AN ACT Relating to development of standards for nurses' training; and creating new sections.

Referred to Committee on Health Care.

HB 1533 by Representatives Nelson, D. Sommers, Rust and Brekke

AN ACT Relating to hazardous waste disposal facilities; and amending RCW 70.105-.005 and 70.105.220.

Referred to Committee on Environmental Affairs.

HB 1534 by Representatives Nelson, Hankins, Heavey, Betrozoff, Todd, Zellinsky and Brekke

AN ACT Relating to motor vehicle dealers; and adding a new section to chapter 46.70 RCW.

Referred to Committee on Transportation.

HB 1535 by Representatives Pruitt, Dellwo, Zellinsky and Patrick

AN ACT Relating to motor vehicle insurance rates; and amending RCW 48.19.501.

Referred to Committee on Financial Institutions & Insurance.

HB 1536 by Representatives Winsley, Nutley, Ballard, Leonard, Ferguson, Locke, Anderson, Todd, Ebersole, Brekke, Nelson, Walk, Haugen, Patrick, Brough, May, Cantwell and P. King

AN ACT Relating to the classification and valuation of multiple-unit buildings devoted primarily to low-income housing and of mobile home parks at current use value; adding a new chapter to Title 84 RCW; and providing a contingent effective date.

Referred to Committee on Housing.

HB 1537 by Representatives Hargrove, Padden, Locke, Belcher, Wineberry, Tate, Heavey, Fuhrman, Youngsman, Rasmussen, Haugen, Patrick, Wolfe, Brough, Rector, Bowman, Ferguson, Todd and P. King

AN ACT Relating to pornography; and adding a new section to chapter 9.68 RCW.

Referred to Committee on Judiciary.

HB 1538 by Representatives Day, Brooks, D. Sommers, R. Fisher, McLean, Sayan, Cantwell, Prentice, Rector, Basich, Winsley and P. King

AN ACT Relating to the state employees' benefits board; and amending RCW 41.05.055.

Referred to Committee on State Government.

HB 1539 by Representatives Nelson, Brough, Hine, Ferguson, Phillips, Horn, Todd, Anderson and Brække

AN ACT Relating to standards for redistricting; amending RCW 29.70.100, 35.18.020, 35.22.370, 35.23.530, 35A.12.040, 36.32.020, 36.69.060, 53.12.010, 53.16.010, 54.08.010, 54.12.010, 56.12.030, and 57.12.039; and adding a new section to chapter 29.70 RCW.

Referred to Committee on State Government.

HB 1540 by Representatives R. King, Silver, Zellinsky, Hankins, R. Meyers, Youngsman and P. King

AN ACT Relating to crediting tips for state minimum wage requirements; adding a new section to chapter 49.46 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1541 by Representatives Ebersole and Wang; by request of Governor Gardner

AN ACT Relating to state government; changing the budget process and the commencing date of regular sessions; and amending RCW 44.04.010, 43.88.060, and 43.88.110.

Referred to Committee on State Government.

HB 1542 by Representatives Braddock, Brooks, Locke, Cantwell, Day, Prentice, Morris, Sprenkle, Van Luvan, Beck, Silver, Baugher, Brough, Winsley, Brække and P. King

AN ACT Relating to offenders' legal financial obligations; amending RCW 9.94A.140, 9.94A.142, 9.94A.270, 72.04A.120, and 72.65.060; reenacting and amending RCW 9.94A.030, 9.94A.120, and 9.94A.200; adding new sections to chapter 9.94A RCW; adding a new chapter to Title 72 RCW; creating new sections; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Health Care.

HB 1543 by Representatives Nutley, Silver, Leonard, R. Fisher, Beck, Jacobsen, Anderson, Wang, Pruitt, Todd and Winsley

AN ACT Relating to political signs; and adding a new section to chapter 46.61 RCW.

Referred to Committee on State Government.

HB 1544 by Representatives Morris, Ballard, Cantwell, D. Sommers and Braddock

AN ACT Relating to employment by hospitals of physicians and osteopathic physicians; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Health Care.

HB 1545 by Representatives Schmidt, R. Fisher, Betrozoff, Jacobsen, Rust, Holland, Walk, Wood, H. Sommers, Walker, Sprenkle, Hankins, S. Wilson, Patrick, Smith, Haugen, Horn and Winsley; by request of Legislative Transportation Committee

AN ACT Relating to fraudulent failure to register a vehicle; amending RCW 46.16.010; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

HB 1546 by Representatives G. Fisher, Heavey, Hine, Valle, Schoon, Brough and R. Meyers

AN ACT Relating to port district airport runways; adding a new section to chapter 43.21C RCW; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Local Government.

HB 1547 by Representatives Schmidt, Appelwick, Moyer, Brough, Van Luvan and Schoon; by request of Department of Social and Health Services

AN ACT Relating to medical support enforcement; amending RCW 26.09.105, 26.18.050, 26.09.170, and 26.23.050; adding a new section to chapter 26.26 RCW; adding new sections to chapter 26.18 RCW; adding new sections to chapter 74.20A RCW; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1548 by Representatives H. Myers, Appelwick, Moyer, Brough and Sprenkle; by request of Department of Social and Health Services

AN ACT Relating to paternity; amending RCW 74.20A.020, 70.58.080, 26.26.030, and 26.26.040; and adding a new section to chapter 74.20A RCW.

Referred to Committee on Judiciary.

HB 1549 by Representatives Dellwo and Appelwick; by request of Administrator for the Courts

AN ACT Relating to district and municipal court fees; amending RCW 3.62.060; and adding a new section to chapter 3.62 RCW.

Referred to Committee on Judiciary.

HB 1550 by Representatives Hine, G. Fisher, Brough, Heavey, Valle and Jacobsen

AN ACT Relating to port districts; adding a new section to chapter 14.07 RCW; adding a new section to chapter 14.08 RCW; adding a new section to chapter 14.12 RCW; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Local Government.

HB 1551 by Representatives Todd, Padden, Anderson and Crane

AN ACT Relating to mobile home landlords; and amending RCW 59.20.074.

Referred to Committee on Housing.

HB 1552 by Representatives Todd, Nutley, Padden, Patrick, Holland, Anderson, D. Sommers, Leonard, Walk, Pruitt, Crane, Nelson and Dorn

AN ACT Relating to mobile home tenant lot fees; and amending RCW 59.22.060.

Referred to Committee on Housing.

HB 1553 by Representatives Raiter, Cantwell, Doty, Wineberry, Schoon, Wolfe, Wood, Horn, Ferguson, Rector, G. Fisher, Silver, Ebersole, Phillips, Vekich, Cooper, Inslee, Brumsickle, Youngsman, Walk, Bowman, Basich, Tate, Betzoff, Belcher, Braddock, Morris, Beck, Jacobsen, Walker, Pruitt, Rayburn, Kremen, May, R. King, Todd, Winsley, Rasmussen, Spanel, P. King and Sprenkle; by request of Governor Gardner

AN ACT Relating to the creation of the Washington economic development finance authority; amending RCW 42.17.2401; reenacting and amending RCW 42.17.310; and creating a new chapter in Title 43 RCW.

Referred to Committee on Trade & Economic Development.

HB 1554 by Representatives Jacobsen, Chandler, Fraser, Belcher, Anderson, Ballard, Wolfe and Brekke

AN ACT Relating to organic and low-input agriculture; amending RCW 15.86.010, 15.86.020, and 15.86.070; adding a new section to chapter 15.86 RCW; and making an appropriation.

Referred to Committees on Agriculture & Rural Development/ Appropriations.

HB 1555 by Representatives Jacobsen, Miller, R. Fisher, Winsley, May, Hankins, Anderson, Vekich, Dellwo, Cole, Todd, Jones, Wang, Rasmussen, Beck, Walker, Crane, R. Meyers, Betzozoff, Heavey, Wolfe, Kremen, Rector, Bowman and Wineberry

AN ACT Relating to unlisted or unpublished telephone numbers; and adding a new section to chapter 80.36 RCW.

Referred to Committee on Energy & Utilities.

HB 1556 by Representatives K. Wilson, Schoon, Pruitt, P. King, Winsley, Rasmussen, Miller, Nelson, Brough, Van Luven and Basich

AN ACT Relating to in-service training; and adding a new section to chapter 28A.03 RCW.

Referred to Committee on Education.

HB 1557 by Representatives Vekich, Patrick, Belcher, Sayan, Winsley, R. King, Ebersole, R. Meyers, Walk, Braddock, Phillips, Fraser, Holland, Jacobsen, Anderson, Heavey, Basich, Nelson, Appelwick, Morris, Jones, Todd, P. King, Wineberry, Sprengle and Dorn

AN ACT Relating to state employees; amending RCW 34.05.030, 41.04.230, 41.06.070, 41.06.110, 41.06.170, 28B.10.824, 28B.10.650, 28B.12.060, 28B.50.060, 28B.80.350, 28B.80.430, 28C.15.020, 34.12.020, 41.04.340, 41.06.155, 41.06.163, 41.48.140, 41.60.015, 41.60.041, 42.17-2401, 43.06.410, 43.06.425, 43.88.280, 43.105.052, 49.46.010, 49.74.020, 49.74.030, 49.74.040, 50.13.060, and 70.24.300; reenacting and amending RCW 41.06.150; adding a new chapter to Title 41 RCW; adding new sections to chapter 41.06 RCW; creating new sections; repealing RCW 28B.16.010, 28B.16.020, 28B.16.030, 28B.16.040, 28B.16.041, 28B.16.042, 28B.16.060, 28B.16.070, 28B.16.080, 28B.16.090, 28B.16.100, 28B.16.101, 28B.16.105, 28B.16.110, 28B.16.112, 28B.16.113, 28B.16.116, 28B.16.120, 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160, 28B.16.170, 28B.16.180, 28B.16.190, 28B.16.200, 28B.16.210, 28B.16.220, 28B.16.230, 28B.16.240, 28B.16.255, 28B.16.265, 28B.16.275, 28B.16.900, 28B.16.910, 28B.16.920, 28B.16.930, 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, 41.64.900, 41.64.910, 41.06.230, 41.06.300, 41.06.310, 41.06.320, 41.06.330, and 41.06.340; and providing effective dates.

Referred to Committee on Commerce & Labor.

HB 1558 by Representatives Inslee, P. King, Van Luven, Appelwick, Beck, Wineberry, Wood, Rector, Smith, Brekke, Baugher, Winsley, Leonard, Todd, Ballard, Nutley, Rayburn, Jacobsen, Hankins, Braddock, Grant, Locke, Brumsickle, Jesernig, Wang, Betzozoff, Wolfe, Brough, Horn, Basich, Bowman and Ferguson

AN ACT Relating to legend drugs; amending RCW 69.41.010, 69.41.030, and 69.41.070; adding new sections to chapter 69.41 RCW; and prescribing penalties.

Referred to Committee on Health Care.

HB 1559 by Representatives Ferguson, Haugen, Van Luven, May, Dorn, Todd, Wolfe, Brough and Bowman

AN ACT Relating to the powers of initiative and referendum in cities; amending RCW 35A.11.090, 35.17.260, 35.17.240, 35.17.280, 35.17.290, 35.17.300, 35.17.230, 35.22.200, 35A.29-170, and 39.88.090; adding a new section to chapter 35A.11 RCW; creating a new section; recodifying RCW 35.17.230, 35.17.240, 35.17.260, 35.17.280, 35.17.290, and 35.17.300; and repealing RCW 35.17.250, 35.17.270, 35.17.310, 35.17.320, 35.17.330, 35.17.340, 35.17.350, 35.17.360, and 35A.11.100.

Referred to Committee on Local Government.

HB 1560 by Representative Braddock; by request of Department of Social and Health Services

AN ACT Relating to medical assistance; amending RCW 74.09.730, 74.09.522, 74.09-.700, 74.09.510, and 18.71.210; adding a new section to chapter 70.24 RCW; and repealing RCW 48.46.150.

Referred to Committee on Health Care.

HB 1561 by Representatives Braddock, Anderson, Haugen, Prentice and Wineberry; by request of Department of Social and Health Services

AN ACT Relating to safe drinking water; amending RCW 70.119A.020, 70.119A.030, 70.119A.040, 70.119A.050, 43.20.050, 70.119.020, and 70.116.030; adding new sections to chapter 70.119A RCW; creating a new section; and repealing RCW 70.119A.010.

Referred to Committee on Health Care.

HB 1562 by Representatives Sayan and Prentice; by request of Department of Social and Health Services

AN ACT Relating to sanitary control of shellfish; amending RCW 69.30.010; adding new sections to chapter 69.30 RCW; and prescribing penalties.

Referred to Committee on Health Care.

HB 1563 by Representatives Braddock and Prentice; by request of Department of Social and Health Services

AN ACT Relating to adult services; amending RCW 18.51.050, 74.46.410, 18.51.430, 18.51.500, 74.42.240, 74.42.380, 18.51.054, 18.51.060, 18.51.065, 18.51.410, 18.51.440, 18.51.460, and 74.42.580; adding new sections to chapter 18.51 RCW; and adding a new section to chapter 74.42 RCW.

Referred to Committee on Health Care.

HJR 4209 by Representatives Winsley, Leonard, Ballard, Anderson, Ferguson, Nutley, Locke, Ebersole, Brekke, Nelson, Todd, Walk, Patrick, Brough and P. King

Amending the Constitution to allow current use valuation for low-income housing and mobile home parks.

Referred to Committee on Housing.

SB 5031 by Senators Pullen, Niemi and Rasmussen

Correcting or amending internal references in the revised code of Washington.

Referred to Committee on Judiciary.

SB 5032 by Senators Pullen, Niemi and Rasmussen

Repealing obsolete sections in the revised code of Washington.

Referred to Committee on Judiciary.

SSB 5033 by Committee on Law & Justice (originally sponsored by Senators Pullen, Niemi and Rasmussen)

Making technical corrections in the revised code of Washington.

Referred to Committee on Judiciary.

SSB 5034 by Committee on Law & Justice (originally sponsored by Senators Pullen, Niemi and Rasmussen)

Reconciling double amendments or repeals in the revised code of Washington.

Referred to Committee on Judiciary.

ESB 5045 by Senators Pullen and Niemi; by request of Statute Law Committee

Correcting statutes affected by vetoes by the governor.

Referred to Committee on Judiciary.

SB 5046 by Senators Pullen, Niemi, Talmadge, Lee, Sutherland and von Reichbauer; by request of Statute Law Committee

Eliminating certain gender-specific language.

Referred to Committee on Judiciary.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

January 24, 1989

HB 1026 Prime Sponsor, Representative Spanel: Regulating sea urchin fishing. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 32, after "child" insert ", or from spouse to spouse during marriage or as a result of marriage dissolution."

Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Haugen, Smith, Spanel and Vekich.

Referred to Committee on Appropriations.

January 24, 1989

HB 1027 Prime Sponsor, Representative R. King: Clarifying the authority of the director of fisheries. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Haugen, Smith, Spanel and Vekich.

Passed to Committee on Rules for second reading.

January 26, 1989

HB 1035 Prime Sponsor, Representative Haugen: Providing additional qualifications for precinct election officers. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; R. King, Morris, Rector, Sayan and Silver.

Absent: Representatives Hankins, O'Brien and Silver.

Passed to Committee on Rules for second reading.

January 25, 1989

HB 1055 Prime Sponsor, Representative R. Fisher: Financing fire protection for state-owned buildings. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 15, strike "ways and means" and insert "appropriations"

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, Rector, Sayan and Silver.

Absent: Representative O'Brien.

Referred to Committee on Appropriations.

January 26, 1989

HB 1062 Prime Sponsor, Representative Appelwick: Revising provisions in the Washington code of military justice. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 21, strike "if" and insert "as if the member were"

On page 34, line 15, strike "shall"

On page 39, line 30 and line 33, strike "(1)" and insert "(2)"

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Hargrove, Inslee, P. King, R. Meyers, H. Myers, Patrick, Schmidt, Scott, Tate and Wineberry.

Absent: Representatives Dellwo, Locke, Moyer and Van Luven.

Passed to Committee on Rules for second reading.

January 24, 1989

HB 1090 Prime Sponsor, Representative Prentice: Requiring pesticide record-keeping and pesticide-related employee protection. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Jones, R. King, Leonard and Prentice.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Ranking Republican Member; Smith, Walker and Wolfe.

Absent: Representative O'Brien.

Referred to Committee on Appropriations.

January 26, 1989

HB 1096 Prime Sponsor, Representative Appelwick: Recording of federal liens. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Hargrove, Inslee, P. King, R. Meyers, H. Myers, Patrick, Schmidt, Scott, Tate and Wineberry.

Absent: Representatives Dellwo, Locke, R. Meyers, Moyer and Van Luven.

Passed to Committee on Rules for second reading.

January 25, 1989

HB 1106 Prime Sponsor, Representative Haugen: Changing the year end fiscal report requirement. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Wolfe, Wood and Zellinsky.

Absent: Representatives Phillips and Todd.

Passed to Committee on Rules for second reading.

January 26, 1989

HB 1138 Prime Sponsor, Representative Baugher: Creating a honey bee commission. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Chandler, Doty, Grant, Jesernig, McLean, H. Myers and Youngsman.

Absent: Representatives Chandler and Rasmussen.

Passed to Committee on Rules for second reading.

January 24, 1989

HB 1174 Prime Sponsor, Representative Phillips: Creating a procedure for local government service agreements. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Referred to Committee on Appropriations.

January 25, 1989

HB 1175 Prime Sponsor, Representative Raiter: Establishing a citizens' review process for altering local governments. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 28, strike "appointed elected officials who shall" and insert "elected officials who are appointed to"

On page 5, line 31, after "committee," insert "A temporary citizens' review committee may specify that a proposal be submitted to the voters of a less than county-wide area only where all of the territory included within the boundaries of each local government, that would be affected directly by the proposal, if approved, is included in the less than county-wide area."

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Wolfe, Wood and Zellinsky.

Absent: Representative Todd.

Referred to Committee on Appropriations.

January 24, 1989

HB 1222 Prime Sponsor, Representative G. Fisher: Providing for containment of waste. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 23, after "any" strike "other"

Signed by Representatives Rust, Chair, Valle, Vice Chair, D. Sommers, Ranking Republican Member, Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprengle and Walker.

Absent: Representative Van Luven.

Passed to Committee on Rules for second reading.

January 25, 1989

HB 1270 Prime Sponsor, Representative Vekich: Providing an exception to the definition of sale for purposes of making a gift of liquor by private parties. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representatives Patrick, Ranking Republican Member; Leonard and O'Brien.

Passed to Committee on Rules for second reading.

January 25, 1989

HB 1272 Prime Sponsor, Representative Wang: Defining liquor by the drink for purposes of a class H license. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representatives Leonard and O'Brien.

Passed to Committee on Rules for second reading.

January 25, 1989

HB 1289 Prime Sponsor, Representative Cole: Modifying business entertainment practices of liquor importers, wholesalers, or manufacturers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representatives Patrick, Ranking Republican Member; Leonard and O'Brien.

Passed to Committee on Rules for second reading.

January 26, 1989

HB 1374 Prime Sponsor, Representative Padden: Changing provisions relating to transferring cases between superior courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Inslee, P. King, R. Meyers, H. Myers, Patrick, Schmidt, Scott, Tate and Wineberry.

Voting nay: Representative Hargrove.

Absent: Representatives Dellwo, Locke, Moyer and Van Luven.

Passed to Committee on Rules for second reading.

January 24, 1989

HJR 4200 Prime Sponsor, Representative Haugen: Amending the Constitution to provide an alternative method for the framing of a county charter. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

On page 2, beginning on line 12, strike "additional procedures" and insert "an additional procedure"

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe and Wood.

Absent: Representative Zellinsky.

Passed to Committee on Rules for second reading.

January 24, 1989

HJR 4203 Prime Sponsor, Representative Cooper: Amending the Constitution to alter the requirements for changing county boundaries. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 9, beginning with "the" strike all the material down to and including "thousand" on line 11 and insert "ten thousand (~~4,000~~; ~~not shall a~~)"

On page 1, line 28, strike "twenty-five percent" and insert "a majority"

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representative Zellinsky.

Passed to Committee on Rules for second reading.

January 24, 1989

HJR 4204 Prime Sponsor, Representative Raiter: Allowing the review and modification of local government. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Ebersole, the bills and resolutions listed on today's committee reports under the fifth order of business were referred to the committees so designated.

Representatives Bristow and P. King appeared at the bar of the House.

The Speaker (Ms. Hine presiding) declared the House to be at ease.
The Speaker (Ms. Hine presiding) called the House to order.

JOINT SESSION

WASHINGTON STATE MEDAL OF MERIT AWARD CEREMONY

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

The Speaker (Ms. Hine presiding) instructed the Sergeants at Arms of the House and Senate to escort President Pro Tempore of the Senate, Alan Bluechel, Majority Leader Jeannette Hayner and Democratic Leader Larry Vognild to seats on the rostrum.

The Speaker (Ms. Hine presiding) invited the Senators to seats within the House Chamber.

The Speaker (Ms. Hine presiding): It is our privilege again to host the award ceremony for the winners of the Washington State Medal of Merit. We welcome you, President Pro Tempore Bluechel, our colleagues from the Senate, medal recipients and all other guests who are with us today. It is a pleasure for me to give you, President Pro Tempore Bluechel, the gavel to preside over this Joint Session.

The Speaker (Ms. Hine presiding) presented the gavel to President Pro Tempore Bluechel.

The Secretary of the Senate called the roll of the Senate and all members were present except Senators Bender, Craswell, Kreidler, McMullen, Patterson and Rinehart.

The Clerk of the House called the roll of the House and all members were present except Representatives Dellwo, Miller, Moyer and O'Brien.

The President Pro Tempore of the Senate appointed Senators Saling, Sellar and Bauer and Representatives G. Fisher, Rust and Beck as a special committee to advise the Governor's party that the Joint Session had assembled and to escort them from the State Reception Room to seats on the rostrum of the House.

The President Pro Tempore appointed Senators Anderson, Newhouse and Smitherman and Representatives Dorn, Rector and Schoon as a special committee to escort the Supreme Court Justices from the State Reception Room to seats on the rostrum of the House and within the House Chamber.

The President Pro Tempore appointed Senators Benitz and Barr and Representatives Grant and Chandler as a special committee to escort the State Elected Officials from the State Reception Room to seats within the House Chamber.

The President Pro Tempore introduced the Supreme Court Justices and the State Elected Officials.

The President Pro Tempore introduced Lieutenant Governor Joel Pritchard, former Lieutenant Governor John Cherberg and First Lady Jean Gardner.

The President Pro Tempore introduced distinguished guests seated in the north gallery. Guests present to honor Julia Butler Hansen included Mrs. Nancy Hansen, wife of Mr. David Hansen; their daughters, Elizabeth and Julia Ann Hansen, and Mr. and Mrs. Jerry Reuff. Guests of Dr. Belding Scribner included Mrs. Ethel Scribner, wife of Dr. Belding Scribner; Dr. and Mrs. Robert Scribner and their children, Alexander, Sarah, Jennifer and Peter; Dr. Albert Jonsen, Dean of the Department of Medical Ethics at the University of Washington; and research and clinical staff of the Division of Nephrology at the University of Washington Hospital and the Scribner Kidney Research Center. Guests of Dr. Charles E. Odegaard included Dr. Solomon Katz, President Emeritus of History and former Provost at the University of Washington; Dr. Robert Waldo, former Vice President for University Relations at the University of Washington; and Dr. Robert Van Citters, former Dean of the University of Washington Medical School.

President Pro Tempore Bluechel: The purpose of the Joint Session is to present Medal of Merit awards for the third time to three deserving Washington State citizens, who have been distinguished by exceptionally meritorious conduct in performing outstanding services to the people and State of Washington.

The President Pro Tempore introduced Mr. Alan Thompson, Chief Clerk of the House of Representatives.

The Chief Clerk: Thank you, Mr. President, distinguished public officers and guests. It is my honor--and my assignment as surrogate for Speaker Joe King, who regrettably was taken ill yesterday--to present this highest of our state's recognition to someone who is not here today.

Here instead, to receive the Washington State Medal of Merit on his mother's behalf, is Julia Butler Hansen's son, David. David is the only child of Julia and Henry Hansen. In him was bred a love of this region and a devotion to its history. His heritage from his mother has become the basis for his life's work. David serves as Curator of the Fort Vancouver National Historical Site, a post he has held for the past fifteen years.

Julia is not here. But she was here. She was here as a member of the State House of Representatives for twenty-two years of her long and distinguished career in public service. It is both fitting and humbling for me, as a former member of this House, to be asked to make this presentation in the name of so worthy a former member of this body. It is fitting, as well, that Julia's great presence, when she was among us, be acknowledged while memories of her are still strong, so as to keep strong the appreciation of an extraordinary life.

In the City Hall at Cathlamet, in the Courthouse of Wahkiakum County, here in this House, and in the Congress of the United States Julia set her great vitality and intelligence to small tasks and to great deeds, all with the common purpose of the common good.

Legislators leave their marks on an ever-changing landscape of societal change. They must be measured by the scale of their time. Julia's time is past, but her mark is monumental even yet. As Chairman of the House and Joint Highway Committees for term after term, as a nine-year Chairman of the Western States Highway Policy Committee that worked to link Washington with our neighbors, and as a member of the State Transportation Commission, Julia, more than any other of her time, was this state's master road builder. Julia's landscape was Washington's countryside and communities, and her monument is this state's highway system.

Julia Butler Hansen's preeminence in the transportation field did not, however, overshadow her devotion to human need in other areas or the recognition of her broad achievement. Julia was the recipient of innumerable state and national awards for education, the arts and conservation. She was the first woman to serve as Speaker Pro Tempore of this body. She came within one vote of the Speakership. She was the first woman to chair a Congressional Appropriations Subcommittee. She was for six years the Chair of a Congressional Process Reform Committee that substantially modified the rigid seniority system.

Julia was also very human. That comes through best from her own words. This--what I am about to read you--was written by Julia to Governor Ray in a letter of resignation from the State Transportation Commission. Here are some excerpts from that letter that reflect her human qualities of compassion and humor and her legendary acerbic style:

"It is after a great deal of thought and some regret that I submit my resignation. On January 1, 1981, I will have completed forty-three years of public service--thirty-seven years in elective office (twenty-three elections) in municipal, state and federal offices, then six years on the Highway and Transportation Commission (including the Toll Bridge Authority).

"The challenge is still here, but a soberer, sadder challenge. What answers can government make today with inflation so vicious that government itself cannot fulfill its role of bettering the lives of our citizens or meeting the needs of people's economic substance.

"I should love to solve or assist in solving these state problems but no one is indispensable. Others will serve you well and with vision and probably with more patience for the selfish, greedy, powerlusting demagogues and the ignorant than I.

"Now, finally, Governor Ray, I seldom mention personal affairs but my husband is ninety-seven, almost totally blind, unable to hear and has not walked or taken a step for fifteen months. I care for him at home. Help is very difficult to obtain in a small town.

"Also, Governor, it will be nice not to have to leave home at 7:30 on a winter morning and dodge the rocks on the Ocean Beach Highway to get to a meeting or wonder if the Toulte River Bridge will still be standing in the evening when I return. It will also be nice on Christmas morning not to have someone call about a ferry that serves poor french fries. I remember my first Christmas in politics—1936—as County Chairman. There was a knock at my front door at 7:30 a.m. A man and his wife stood on the porch. 'We have come to see about you calling Congressman Smith to see about getting my wife the Post Office appointment.' These visits and calls have continued three hundred and sixty-five days per year for forty-three years and there are no vacations.

"I have loved the people of this state and shall continue to give them my affection and interest. I have only gratitude for the thousands of people who have supported me."

Now, David, it is my honor to ask you to receive on behalf of your mother, in gratitude from the people of the State of Washington, the State Medal of Merit.

The Chief Clerk presented the Medal of Merit to Mr. David Hansen for his mother, the late Julia Butler Hansen.

Mr. Hansen: Mr. President, Lieutenant Governor Cherberg, Lieutenant Governor Pritchard, Mrs. Gardner, members of the House and Senate: It is a deep honor and privilege to come here today and accept this very, very great award in memory of my mother, who served the state and nation for so long.

It was fifty years ago this month that my mother began her legislative career in this Chamber, and it was thirty years ago that my mother served for the last time in this legislative body before going on to national service. She always did her best, at whatever the task was, to serve the constituents of her district, state and nation—with no thought to special interests and no thought to self, but always looking to the common interest and common good of those constituents and voters.

She, as you well know, was a master legislator. There are numerous stories of her management of this House and of her many legislative battles during the twenty-two years that she served in this state. I know there are those who still have memories and legislative scars from some of those battles. My mother always considered it a great privilege and an honor to serve in the public arena. She believed that public service, no matter at what level, was of the highest calling with no other reward than being able to serve the people and, when the job was done, being able to say that she had done the best job possible for all concerned and had given her best effort.

It is an honor to stand in this Chamber, where she stood and, in fact, from where she presided as Speaker Pro Tempore of the House. As a little boy, I remember looking down from the gallery numerous times and watching Mother preside, lead and cajole which she was so very good at. I well remember that.

It is indeed a great honor for me to accept this in her memory. I know that her spirit is with this body, as you and the state so thoughtfully remember her for all that she was able to do. I want to thank Alan, who has been a long-time friend and who served my mother when she was in Congress, for the kind remarks that he made in his introduction. Again, it is an honor to accept the thanks of our great state. Thank you so much.

The President Pro Tempore introduced Chief Justice Keith Callow.

Chief Justice Callow: Mr. President, distinguished public officials, members of the Legislature, guests and friends: Dr. Belding Scribner was born in Chicago, received his undergraduate degree from the University of California at Berkeley in 1941 and his Doctor of Medicine degree from Stanford in 1945. Thereafter, he spent three years at San Francisco Hospital, five years at the Mayo Clinic and has been on the University of Washington Medical School faculty since 1951.

In the mid-1950s Dr. Scribner began using a device called a hemodialyzer, or artificial kidney, to treat patients with temporary kidney failure. In those days each

treatment began with a surgeon inserting a glass tube in an artery and another one in a vein, usually in the forearm. The tubes provided temporary access to the circulation of blood, so that the patient's blood could be pumped through the artificial kidney, which removed the toxic materials which otherwise would have been normally excreted. At the end of each procedure the surgeon removed the tubes and tied off the artery and vein, which thereby destroyed them and, of course, strictly limited the number of artificial kidney treatments that could be performed on any one individual.

In January of 1960 a patient arrived at the University Hospital, suffering from acute renal failure. After several treatments on the artificial kidney he was completely revived, but a biopsy of his kidney revealed permanent irreversible kidney disease. Dr. Scribner was forced to tell the patient's wife that the situation was hopeless.

This case had a profound effect on Dr. Scribner, and soon after he awoke in the middle of the night with an idea that, if it worked, would make it possible to use the artificial kidney to treat patients with permanent kidney failure. The basic idea was simple. Instead of removing the tubes and tying off the vessels, Dr. Scribner decided to leave the tubes in. Then, by connecting the tube in the artery to the tube in the vein with another tube, or shunt, the blood would flow through rapidly enough to prevent clotting. To implement this idea Dr. Scribner enlisted the help of University of Washington surgeon, Dr. David Dillard, and engineer Wayne Quinton, who at that time was head of the Medical Instrument Laboratory. Within two months this team had fashioned a device of plumbing fixtures and tubing made of teflon, chosen because of its smooth nonstick inner surface. This device, called an A-V shunt, was placed in the forearm of the patient by Dr. Dillard. That the experiment was a success is evident from the fact that the patient, who would have died within a few months from terminal kidney disease, survived for eleven years, returning to work shortly after the A-V shunt was in place. You may see this original A-V shunt which is being exhibited in the Rotunda.

In 1961 a grant was obtained to test the feasibility of an out-of-hospital community artificial kidney center. The basement of the nurses' residence next to Swedish Hospital was converted into the Seattle Artificial Kidney Center which later became the Northwest Kidney Center. The project was an immediate success and brought with it a problem unprecedented in medicine--how to select from among hundreds of candidates those nine patients which the original center could accept. The King County Medical Society created a selection committee to make the selection process as fair as possible. In 1962 when Life Magazine writer Shana Alexander came to Seattle to do a story on the artificial kidney program, she focused on the activities of this committee. Her story, which appeared in the November 9, 1962 issue of Life Magazine, caused a sensation and was reprinted in similar magazines in many other countries. You may also see this addition of Life Magazine which is exhibited today in the Rotunda. The committee itself became the subject of controversy concerning the best way to make life-and-death medical decisions. The committee, in fact, marked a milestone in the discipline of medical ethics.

In 1963 the experience at the Seattle Artificial Kidney Center demonstrated clearly that, if the treatment was to be expanded to meet demand, it would have to be simplified, improved and its cost drastically reduced. Consequently, Dr. Scribner in 1963 walked across the bridge that connects the Medical School with the upper campus at the University of Washington and gave a talk describing these problems to a group of professors in the School of Engineering. The result was a research collaboration between Dr. Scribner's medical team and an engineering team headed by Dr. Albert L. Babb, then Chairman of the Department of Nuclear Engineering. This collaborative program proved highly successful. Indeed, most of the major technical and medical advances that brought dialysis out of the research/demonstration stage and made it widely available as a treatment were made by collaborative research efforts. In addition to these research accomplishments, the Scribner/Babb team trained numerous physicians and engineers worldwide, who went on to make important contributions of their own.

Dr. Belding Scribner has given hope and life to many. He has contributed immeasurably to the advancement of medical knowledge and medical science.

The people of the State of Washington are fortunate to have such a giant among us, whom we claim with great pride. Dr. Scribner, would you come forward to receive the Medal of Merit.

Chief Justice Callow presented the Medal of Merit to Dr. Belding H. Scribner.

Dr. Scribner: This is clearly one of the great moments of my life. I want to thank all of you for conferring upon me this very great honor.

You have heard from the Chief Justice why I received this medal. It may seem a bit paradoxical to you that I am not going to talk about life support, to which I have devoted my life, but I am going to talk to you about a very morbid and serious subject called death and dying. As you have heard, I personally became very deeply involved in this issue in the early days of our artificial kidney program with what came to be known as "the infamous Seattle life and death committee." It is so vividly described in that article by Shana Alexander, which is in the exhibit in the Rotunda.

The time is obviously short and the situation is very complicated, so I am going to take the liberty of making a very simple classification of the issue of death, a sort of a spectrum. At one end of the spectrum we have natural death, and I won't say anything more about that.

In the middle of this spectrum is a large and growing number of incidents which I will arbitrarily call high-tech death. Let me give you a typical scenario: An elderly lady with a moderate disability enters the hospital to have a major procedure to improve her quality of life. Things go badly, unfortunately, and she ends up in the intensive care unit, the ICU. She is on a respirator; we're running her on an artificial kidney; she is getting total peritoneal nutrition. Despite the best efforts of the life support team in the ICU, death comes in a matter of days or weeks. The cost of this entire episode often runs into six figures. This is what I mean by the term high-tech death. And lest you think this is an unusual occurrence, please be aware of the fact that about fifty percent of the Medicare budget currently is spent on the beneficiary during the last six months of life.

I have talked to you about natural death and, in the middle, high-tech death. Now just a few words about the other extreme, prolonged high-tech death. Prolonged high-tech death can be divided into two categories, medical and legal. Medical high-tech death is a relatively new phenomenon. What happens is that a patient in the intensive care unit reaches a precarious balance where the life support team is able to stave off the death, but the patient becomes fully dependent on the life support systems that are supplied in the intensive care unit. The situation goes on and on in sort of a static, semi-stable state. There is, right now in an ICU in this state, a patient who has been there for over a year. The suffering that has been going on among the family, the medical staff and all concerned is immeasurable. The cost is now exceeding one million dollars. The patient continues to hang on. There is no end in sight. Prolonged high-tech medical death.

The legal type of high-tech death is exemplified by the case of Mr. Brophy. Mr. Brophy was a fireman in Boston, and he died, or almost died, while fighting a fire. Somehow they revived him, and he lived, but he was brain dead. His brain was irreversibly damaged. He stayed in an ICU in a Boston hospital for three and one-half years on total peritoneal nutrition, high-tech nutritional support, antibiotics and so on, while the family pleaded to have the treatment stopped. This case worked its way through the Massachusetts court system, and in the late fall of 1987, the Supreme Court in the State of Massachusetts finally granted permission to stop the nutrition on Mr. Brophy. And he died. Three and one-half years and millions of dollars. We have had similar cases in this state, and we will have more unless you people here in the Legislature address this issue in a realistic and forward-seeing manner.

I would like to close these rather somber remarks with a lighter note. I was at the Seahawks' game a couple of weeks ago and my wallet was stolen. I, of course, had to get a new driver's license. I noticed, when I went to get the new license, that there was no sign about organ donation around anywhere. When the duplicate license came, it didn't say anything on it about being an organ donor. In the meantime whoever stole my wallet dropped the thing in the mailbox. I had to pay the postage, but I did get it back--less the money. It says organ donor there on my

original. So something has gone amiss in the Department of Motor Vehicles and you might want to look it up, because I feel very strongly about this issue of organ donation. I am looking at you through donated corneas. Indeed, I had my first corneal transplant in 1950, when I was going blind as a medical student. It saved my career. Since then I have had three additional corneal transplants. Somewhere out there are four nice people, who didn't die in vain because their corneas have kept me in business all these years.

Finally, I brought along a little check list which is a map to constructing a living will, or durable power of attorney. It is not a legal document, but it contains all the vital information you need. There are copies of this for those of you who are interested out at our exhibit in the foyer. Thank you very much.

The President Pro Tempore introduced Mrs. Jean Gardner.

Mrs. Gardner: Thank you, Mr. President. You have heard that Booth is in Washington, D.C., but he wanted me to let you know how much he wanted to be here to honor these extraordinary people today.

We can focus on the importance of the Medal of Merit by remembering those who have received it for the past two years: Scoop Jackson, Warren Magnuson, Eddie Carlson, Dorothy Bullitt, Dr. William Hutchinson of the Fred Hutchinson Cancer Research Center, heart specialist Dr. Lester Sauvage, and Dr. Orville Vogel from Washington State University, whose research helped revolutionize agriculture in the State of Washington. This is distinguished company indeed.

It is a very special honor and privilege for me to introduce and present the Medal of Merit to Dr. Charles Odegaard, President Emeritus of the University of Washington. You see, I consider him my President. When he arrived at the U, I was just a sophomore and I had the privilege of being a student under his reign for two and one-half years and of receiving my diploma from Dr. Odegaard.

He was President of the University of Washington from 1958-1973. We all know that the University has always had a good reputation, but it was during his tenure that the University gained significantly in natural stature, for the quality of its teaching, the quality of its research, and the quality of its football team.

Charles Odegaard is a product of Chicago public schools, a graduate of Dartmouth College, and earned his Master's and Doctorate Degrees from Harvard University. He was a Professor of History at the University of Illinois when he took a four-year leave of absence to serve in the Navy, where he rose to the rank of Lieutenant Commander during World War II. He was a Professor of History and Dean of the College of Literature, Science and the Arts at the University of Michigan before coming to the University of Washington. He knew he made the right choice after seeing the Huskies beat the University of Michigan in the Rose Bowl.

Dr. Odegaard has always had his hands in a variety of other interests at the same time. He served in various capacities in such agencies as the United States Information Agency, the National Endowment for Humanity, Advisory Committee on ROTC for the Secretary of Defense, the U.S. Public Health Service, the National Academy of Sciences, and the Washington State Bar Association. He also served in community organizations such as the Pacific Science Center, the Seattle Chamber of Commerce, the Seattle Public Library, and the Seattle Symphony Orchestra. The list goes on and on.

He has been in great demand as a speaker and as a consultant on higher education throughout this country and in such foreign countries as England, France, the Netherlands, Denmark, West Germany, Switzerland, Rumania, Mexico, Japan, Korea and Greece. He also has been a forceful figure in the national debate regarding the quality of medical treatment, leading to significant improvements in the quality of physicians' training.

It is his performance as President of the University of Washington for which he is most remembered. During the 1960s he led the University through perhaps the most difficult time it ever faced. There were student disturbances; there was violence on campus and even one determined effort to literally shut down the University. Dr. Odegaard held the University together. He moved to respond to real grievances and, in dealing with the protests of the Black community, he took steps which permanently modified the University and made it a place in which minority

students can feel a genuine and rewarding membership. As a result, the highest award that can be given to a member of the community by the University's Equal Opportunity Program is named in his honor, the Charles E. Odegaard Award.

In short, Charles Odegaard, through his vision, his compassion and his zeal, has touched our lives in countless ways. It gives me great pleasure to present the Medal of Merit to Charles E. Odegaard, truly one of this state's most distinguished citizens and most valuable resources.

Mrs. Gardner presented the Medal of Merit to Dr. Charles E. Odegaard.

Dr. Odegaard: Mrs. Gardner, ladies and gentlemen of the Executive, Legislative and Judicial branches of the government: It gives me great pleasure to stand before you in this hall for which I have a number of remembrances going back now over thirty years. I am particularly pleased that this award comes from representatives of our government in the State of Washington.

I first became conscious of public servants at work when I went to Washington, D.C. in 1948 as head of the National Organization for the Humanities and found myself in frequent contact with what were called, rather commonly in those days, bureaucrats and politicians--that is to say, a variety of persons associated with public offices in the various branches of the federal government in Washington, D.C. I learned to develop, as I had not had an opportunity to do before, great respect for the motivations, abilities and problems that had to be faced by members of the government, by public servants. It left in my mind a concern about the degree to which our educational institutions, which addressed many different kinds of problems encountered in human society, had really faced up to the importance of the role of public servants in our society.

That experience in Washington, D.C. was further expanded by my experiences here in the State of Washington, in this very building and, on occasion, in this very room. I found that the tradition of bashing public servants seemed to be singularly ill-advised in the nation which endeavored to find a democratic way of reaching the common will through public servants. We in this country have a way of moving between the private and public sector with an ease which is not commonly found in many other parts of the world.

I am proud of one thing that occurred at the University of Washington in my time. That is the founding of the Graduate School of Public Affairs as recognition by the University of the desirability of having learning opportunities, teaching opportunities and research opportunities on matters of concern to public servants which aid them in their official functioning. There had been, as far as private entrepreneurship was concerned, a tradition going back roughly to the 1920s of the establishment of what, in the beginning, were often called Colleges of Commerce. It seemed to me that we really needed to have a School of Public Administration to go along with the private administration, if you will, in the entrepreneurial section of our society. Both the public and the private have elements pertaining to the common will of all of us.

I want to affirm that many of the things which developed at the University of Washington during my time as President required the participation and the understanding of people in the government and, indeed, of many individuals who have been seated in this very room in the past. I do not believe that this is the first time that I have had the privilege of appearing before a Joint Session. It happened back in the 1960s that there was a Joint Session of the House and Senate, in which I was one of the speakers addressing problems associated with the development of the higher education. That was an unusual action on the part of the Legislature, but this is by no means the only unusual thing which occurred.

What I really wish to do is to express my gratitude to the public servants of the State of Washington who, in my understanding of things, contributed greatly to the rationalization and the expansion of the services of higher education in its many forms within this state. I come to you, the recipients of my expression of appreciation, for the part which you and your predecessors played in the evolution of a far more rational distribution of educational opportunities at the higher level than had existed previously--of multiple institutions, of differing but coordinated types and functions. It is not easy to keep that kind of institution going because of its complexity. It does need understanding.

I think we have been through a period when there was essentially, I think, a relative decline in the effectiveness of the educational system in this state. The losers, unfortunately, are ourselves, the citizens here. We have not invested the amount of energy, interest and money in the education of ourselves that we should have done. There is a new breeze blowing. I want to say that it looks to me very much like a breeze, which I saw in the 1960s and which I acknowledge with respect and gratitude.

I place a particular value on your kind statements about me here today, but I think that you should share in the credit. Thank you, ladies and gentlemen.

President Pro Tempore Bluechel: As we finish this ceremony, I want to say one thing about the participants. All of the winners of the Medal of Merit of the State of Washington are people who have influenced this state in major ways, and the effects will be with us for a long time. We all have that opportunity. We have before us three people--one who is no longer with us--who really dedicated their lives to making the State of Washington a better place in which to live. That influence and their lives will be long remembered.

The President Pro Tempore instructed the special committee to escort Governor Pritchard, Governor Cherberg and Mrs. Gardner to the State Reception Room.

The President Pro Tempore instructed the special committee to escort the State Elected Officials from the House Chamber.

The President Pro Tempore instructed the special committee to escort the Supreme Court Justices from the House Chamber.

MOTION

On motion of Mr. Ebersole, the Joint Session was dissolved.

The President Pro Tempore of the Senate returned the gavel to the Speaker of the House of Representatives (Ms. Hine presiding).

The Speaker (Ms. Hine presiding) instructed the Sergeants at Arms of the House and Senate to escort President Pro Tempore of the Senate Alan Bluechel, Majority Leader Jeannette Hayner, Democratic Leader Larry Vognild, and members of the Washington State Senate from the House Chamber.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Monday, January 30, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

TWENTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Monday, January 30, 1989

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives P. King, Locke, R. Meyers, O'Brien and H. Sommers. On motion of Mr. Dorn, Representatives P. King, R. Meyers and O'Brien were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Bill Leath and Kalen Erickson. Prayer was offered by The Reverend Ron Tate, Minister of the College Street Christian Church of Lacey.

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

MESSAGE FROM THE SENATE

January 25, 1989

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4405,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4404,

HOUSE CONCURRENT RESOLUTION NO. 4405.

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

INTRODUCTIONS AND FIRST READING

HB 1564 by Representatives Dorn, Belcher, Haugen, Brough, Rasmussen, Gallagher, Ferguson, Miller, Hankins, P. King, Wineberry, Heavey, Vekich and Todd

AN ACT Relating to public moorage facilities and operators; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Local Government.

HB 1565 by Representatives Locke, Wang, Brough, Padden, Belcher, Wineberry, Winsley and R. Fisher

AN ACT Relating to family relations among persons immigrating to this state from foreign nations; amending RCW 26.26.040; and adding a new section to chapter 5.44 RCW.

Referred to Committee on Judiciary.

HB 1566 by Representatives Jones, Patrick, Vekich, Wolfe, Prentice, Walker, Sayan, R. King, Cole, Jesernig, Jacobsen, Winsley, Todd, Ferguson, Rector, Crane and Day

AN ACT Relating to special license plates for purple heart recipients; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 1567 by Representatives Bristow, Fuhrman, Nealey, Fraser, Basich, Ferguson, Haugen, Prince, Rayburn and Doty

AN ACT Relating to tax distributions to local governments; amending RCW 82.14.200, 82.44.150, and 43.84.092; adding new sections to chapter 82.14 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Local Government.

HB 1568 by Representatives Cooper, D. Sommers, Ebersole, Sprengle, May, Pruitt and Ferguson

AN ACT Relating to local government solid waste facilities and services procurement; amending RCW 35.21.120, 35.21.152, 35.21.154, 35.22.625, 35.23.351, 35.92.020, 35.92.024, 36.32.265, 36.58.040, 36.58.090, and 39.04.175; recodifying RCW 35.92.024; and repealing RCW 35.23.353 and 35.92.022.

Referred to Committee on Environmental Affairs.

HB 1569 by Representatives Belcher, Locke, Holland and Sayan

AN ACT Relating to forest protection; amending RCW 76.04.610 and 76.04.630; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Natural Resources & Parks.

HB 1570 by Representatives R. Fisher and McLean; by request of Secretary of State

AN ACT Relating to elections in optional code cities; and amending RCW 35A.12.040.

Referred to Committee on State Government.

HB 1571 by Representatives R. Fisher, McLean and Sayan; by request of Secretary of State

AN ACT Relating to port district vacancies; and amending RCW 53.12.150.

Referred to Committee on State Government.

HB 1572 by Representatives R. Fisher and McLean; by request of Secretary of State

AN ACT Relating to nominations by minor parties and independent candidates; amending RCW 29.24.020, 29.24.030, 29.24.040, 29.24.060, and 29.24.070; adding new sections to chapter 29.24 RCW; and repealing RCW 29.24.050, 29.24.075, and 29.24.090.

Referred to Committee on State Government.

HB 1573 by Representatives Ebersole, Wang, Betrozoff, May, Appelwick, Heavey, Valle, Walker, Locke, Holland, Cole, Pruitt, Ferguson, Horn, Dorn, Winsley and Jacobsen

AN ACT Relating to the identification of levy reduction funds in the appropriations act; amending RCW 84.52.0531; providing an effective date; and declaring an emergency.

Referred to Committees on Education/Appropriations.

HB 1574 by Representatives Wang, D. Sommers, Haugen and Nealey

AN ACT Relating to brokered natural gas; amending RCW 82.16.010; adding a new section to chapter 35.21 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Revenue.

HB 1575 by Representatives H. Sommers, Brough, Wang, Ebersole, Miller, Holland, Silver, Peery, Appelwick, Schoon, Winsley, Ferguson, Jacobsen and Phillips

AN ACT Relating to school district funding; amending RCW 84.52.0531; adding a new section to chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; and providing a contingent effective date.

Referred to Committees on Education/Appropriations.

HB 1576 by Representative Zellinsky

AN ACT Relating to rehabilitation and liquidation of insurance entities; amending RCW 48.31.020; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1577 by Representatives R. Fisher, McLean, Holland, Silver, H. Sommers, Anderson and Winsley; by request of Office of Financial Management

AN ACT Relating to state trust fund accountability; and adding a new section to Title 43 RCW.

Referred to Committees on State Government/Appropriations.

HB 1578 by Representatives R. Fisher, McLean, Holland, Silver, H. Sommers and Anderson; by request of Office of Financial Management

AN ACT Relating to agency write-offs of uncollectible accounts; amending RCW 50.24.200, 74.20A.220, 82.32.340, and 43.20B.030; and repealing RCW 43.20B.365 and 43.20B.625.

Referred to Committees on State Government/Appropriations.

HB 1579 by Representatives R. Fisher, McLean, Holland, Silver, H. Sommers, Anderson and Winsley; by request of Office of Financial Management

AN ACT Relating to the authority of state agencies to charge interest on past due accounts receivable and other debts; and adding a new section to chapter 43.17 RCW.

Referred to Committees on State Government/Appropriations.

HB 1580 by Representatives R. Fisher, McLean, Holland, Silver, H. Sommers, Anderson, Winsley, P. King and Betzoff; by request of Office of Financial Management

AN ACT Relating to reporting past due accounts to credit reporting agencies; and adding a new section to chapter 43.88 RCW.

Referred to Committee on State Government.

HB 1581 by Representatives Wang, Brough, Cole, Miller, Vekich, Anderson, R. King, Winsley, Hankins, Rector, Brekke, Appelwick, Jacobsen, Leonard, Dellwo, Nutley, Locke, Belcher, H. Sommers, R. Fisher, Wineberry, Sayan, Prentice, Valle, Crane, Nelson, Ebersole, Fraser, Phillips, Rust and Basich

AN ACT Relating to family and medical leave; adding a new chapter to Title 49 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1582 by Representatives Cole, Peery, Ebersole, Prentice, Todd, Jones, Scott, Leonard, Valle, Rasmussen, P. King, Pruitt, Jacobsen, Appelwick, Anderson, Winsley, R. Fisher, Wang, Wineberry, R. King, Belcher, Rust, H. Myers, Crane, Phillips and Brekke

AN ACT Relating to child care; adding new sections to chapter 28A.34 RCW; and creating a new section.

Referred to Committees on Education/Appropriations.

HB 1583 by Representatives Bristow, Belcher, Kremen, Wineberry, Valle, Sprenkle, Peery, Leonard, Cole, Appelwick, Ebersole, Winsley, R. Fisher, Wang, Pruitt, P. King, Todd, Jones, Rust, Scott, Jacobsen, Rasmussen, Spanel, Crane, Basich and Phillips

AN ACT Relating to child care; amending RCW 74.15.020 and 74.15.030; adding a new chapter to Title 74 RCW; prescribing penalties; and making an appropriation.

Referred to Committees on Human Services/Appropriations.

HB 1584 by Representatives Bristow, Kremen, Belcher, Brough, Valle, Wineberry, Sprenkle, Peery, Leonard, Cole, Appelwick, Ebersole, Winsley, R. Fisher, Wang, Miller, Pruitt, Todd, Jones, Rust, Scott, Jacobsen, Rasmussen, Spanel, Dorn, Crane, Basich and Phillips

AN ACT Relating to child care; amending RCW 74.12.340 and 74.13.090; recodifying RCW 74.13.085, 74.13.090, and 74.15.200; creating a new section; and making appropriations.

Referred to Committees on Human Services/Appropriations.

HB 1585 by Representatives Hine, Brough, Ebersole, G. Fisher, Holland, K. Wilson, Valle, Appelwick, Anderson, Winsley, R. Fisher, Bowman, Wang, Miller, Pruitt, Wineberry, Todd, Leonard, R. King, Belcher, Jones, Dellwo, Van Luven, Rust, Scott, Jacobsen, Spanel, Crane, Phillips and Brekke

AN ACT Relating to child care services for Washington state employees; amending RCW 41.04.385 and 74.13.090; adding a new section to chapter 41.04 RCW; and declaring an emergency.

Referred to Committee on Capital Facilities & Financing.

HB 1586 by Representatives Spanel, Miller, R. King, H. Myers, Jacobsen, Rector, Wood, Fraser, Anderson, Winsley, R. Fisher, Wang, Kremen, Pruitt, Wineberry, P. King, Todd, Leonard, Jones, Rust, Scott, Basich, Phillips and Patrick

AN ACT Relating to child care services on community college campuses; creating a new section; and making an appropriation.

Referred to Committees on Higher Education/Appropriations.

HB 1587 by Representatives Nutley, Haugen, Braddock, Winsley, R. Fisher, Wang, Pruitt, Wineberry, Todd, Leonard, Jones, Rust, Jacobsen and Phillips

AN ACT Relating to siting of child care facilities; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 36.32 RCW; creating new sections; and making an appropriation.

Referred to Committees on Local Government/Appropriations.

HB 1588 by Representatives Dorn, Heavey, Fuhrman, R. Meyers, Schmidt, Wineberry, Baugher, Hargrove, Ferguson, Sprengle, Grant, Kremen, Winsley, Ballard, Miller, P. King, Rayburn, Tate, Todd, R. King, Wolfe, May, Walker, Horn, Van Luven, D. Sommers, Brough, Rasmussen, Doty, Crane, Basich, Patrick and Schoon

AN ACT Relating to a pilot boot camp program for adult offenders; reenacting and amending RCW 9.94A.120; adding a new section to chapter 72.09 RCW; creating a new section; and making an appropriation.

Referred to Committee on Judiciary.

HB 1589 by Representative Patrick

AN ACT Relating to campaign financing; adding new sections to chapter 42.17 RCW; providing penalties; and providing for submission of this act to a vote of the people.

Referred to Committee on State Government.

HB 1590 by Representative Patrick

AN ACT Relating to medical services for injured workers; adding new sections to chapter 51.32 RCW; and adding a new section to chapter 51.36 RCW.

Referred to Committee on Commerce & Labor.

HB 1591 by Representatives Patrick, Prentice, Van Luven and Brekke

AN ACT Relating to disability insurance policies; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1592 by Representative Patrick

AN ACT Relating to fire commissioners serving as volunteer fire fighters; and amending RCW 52.14.010.

Referred to Committee on State Government.

HB 1593 by Representatives Patrick, Pruitt, Betzoff and Hargrove

AN ACT Relating to property tax exemptions; and amending RCW 84.36.381.

Referred to Committee on Revenue.

HB 1594 by Representatives Nelson, R. Fisher, Miller, Anderson and Wineberry

AN ACT Relating to voter records; and amending RCW 29.07.080 and 29.51.060.

Referred to Committee on State Government.

HB 1595 by Representatives K. Wilson, Ferguson, Ballard, Brough, Hine, Winsley, Wineberry, May and Scott

AN ACT Relating to dependency of high-risk youths; adding a new section to chapter 13.34 RCW; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Human Services.

HB 1596 by Representatives R. Meyers, Patrick, Wood, Jones, Heavey, Winsley, R. Fisher, P. King, Ferguson and Day

AN ACT Relating to traffic education; and amending RCW 43.08.250.

Referred to Committee on Transportation.

HB 1597 by Representatives Patrick, Tate, Sayan, Bowman, Nelson, Todd, Brumsickle and Rust

AN ACT Relating to the practice of geology; and adding a new chapter to Title 18 RCW.

Referred to Committee on State Government.

HB 1598 by Representative Patrick

AN ACT Relating to classification as resident or nonresident student; amending RCW 28B.15.013; and reenacting and amending RCW 28B.15.012.

Referred to Committee on Higher Education.

HB 1599 by Representatives Locke, Silver, Bristow, H. Sommers, Winsley, Miller, Sayan, Pruitt, Wineberry, P. King, Rayburn, Raiter, R. King, Belcher, Jones, Scott, Baugher, Jacobsen, H. Myers, Rasmussen, Spanel, Basich, Phillips, Appelwick and Day

AN ACT Relating to programs for persons suffering from alcoholism or drug addiction; amending RCW 74.50.020, 74.50.040, 74.50.050, and 74.50.060; adding a new section to chapter 74.08 RCW; adding new sections to chapter 74.50 RCW; adding a new section to chapter 74.98 RCW; adding new sections to chapter 289, Laws of 1988 (uncodified); repealing RCW 74.50.030; making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1600 by Representatives Peery, Schoon, Valle, Jones, Winsley, P. King, Rayburn, Todd, Jacobsen, Phillips and Appelwick

AN ACT Relating to school nurses; adding a new section to chapter 28A.03 RCW; and making an appropriation.

Referred to Committees on Education/Appropriations.

HB 1601 by Representatives Peery, Schoon, K. Wilson, Cole, Valle, Jones, G. Fisher, P. King, Pruitt, Kremen, Winsley, Wang, Holland, Wineberry, Cooper, Jacobsen, H. Myers, Dorn, Basich and Phillips

AN ACT Relating to a school breakfast program; and creating new sections.

Referred to Committee on Education.

HB 1602 by Representatives Brekke, Patrick, Dellwo, Moyer, Nelson, Holland, Crane, S. Wilson, P. King, R. Fisher, Todd, Anderson, Cole, Leonard, Heavey, K. Wilson, Rust, Rayburn, Pruitt, Kremen and Wineberry

AN ACT Relating to adoption; amending RCW 26.33.330 and 26.33.340; and adding new sections to chapter 26.33 RCW.

Referred to Committee on Judiciary.

HB 1603 by Representatives Holland, Walk, Ferguson, Leonard, May, Prentice, Zellinsky, Brough, Wood, Haugen, Miller, Schmidt, Van Luvan, Todd, Heavey, Hine, Prince, H. Sommers, Wang, Crane, G. Fisher, Winsley, R. Fisher and R. King

AN ACT Relating to maintenance and repair of streets and roads; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

HJR 4210 by Representatives H. Sommers, Brough, Wang, Ebersole, Holland, Silver, Peery, Appelwick, Schoon, R. Fisher, Wineberry and Winsley

Authorizing school districts to modify tax levies for enhancement of education when authorized by the legislature.

Referred to Committees on Education/Appropriations.

HJR 4211 by Representatives Patrick and Silver
Revising the powers of the state auditor.

Referred to Committee on State Government.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

January 26, 1989

HB 1042 Prime Sponsor, Representative G. Fisher: Revising braking equipment requirements for trucks. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betrozoff, Day, G. Fisher, R. Fisher, Hankins, Heavey, Jones, Kremen, R. Meyers, Prentice, Smith, D. Sommers, Walker, S. Wilson and Zellinsky.

Absent: Representatives Cooper, Gallagher, Haugen, Kremen, Nelson, Patrick, Prince and Todd.

Passed to Committee on Rules for second reading.

January 26, 1989

HB 1123 Prime Sponsor, Representative Rust: Regulating chlorofluorocarbons, and other ozone-depleting chemicals. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair, Valle, Vice Chair, D. Sommers, Ranking Republican Member, Brekke, Fraser, Phillips, Pruitt, Schoon, Sprenkle and Walker.

Absent: Representatives G. Fisher, Pruitt and Van Luvan.

Referred to Committee on Appropriations.

January 25, 1989

HB 1251 Prime Sponsor, Representative Nutley: Changing provisions relating to municipal annexations. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice

Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Wolfe, Wood and Zellinsky.

Absent: Representative Todd.

Passed to Committee on Rules for second reading.

January 26, 1989

HB 1282 Prime Sponsor, Representative Walk: Defining motor freight forwarders and brokers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cantwell, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representatives Baugher, Vice Chair; Cooper, Haugen and Prince.

Passed to Committee on Rules for second reading.

January 26, 1989

HB 1290 Prime Sponsor, Representative K. Wilson: Establishing a new geographic coordinate system for Washington. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Ferguson, Fuhrman, Hargrove, Raiter and Sayan.

Absent: Representatives Dellwo and Fuhrman.

Passed to Committee on Rules for second reading.

January 26, 1989

HB 1291 Prime Sponsor, Representative Belcher: Designating additional components of the scenic river system. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Brumsickle, R. Fisher, Hargrove, Raiter and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Beck, Ranking Republican Member; and Fuhrman.

Absent: Representative Dellwo.

Passed to Committee on Rules for second reading.

January 26, 1989

HB 1303 Prime Sponsor, Representative Rayburn: Making major modifications to pesticide statutes. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Doty, Grant, Jesernig, McLean, H. Myers and Youngsman.

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

Absent: Representative Rasmussen.

Referred to Committee on Revenue.

January 26, 1989

HB 1330 Prime Sponsor, Representative Walk: Changing provisions relating to ferry operation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:
On page 1, line 8, after "boat" insert "or approaches thereto"

On page 1, line 25, after "the" strike "commission" and insert "department"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betrozoff, Cantwell, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representatives Cantwell, Cooper, Haugen, Prince and Zellinsky.

Passed to Committee on Rules for second reading.

January 25, 1989

HB 1476 Prime Sponsor, Representative Basich: Establishing the Washington marketplace program. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member, G. Fisher, Moyer, Rasmussen, Raiter, Rector, Schoon, Tate, Walk and Youngsman.

Referred to Committee on Appropriations.

January 26, 1989

HJM 4001 Prime Sponsor, Representative Schmidt: Requesting removal of the highway trust fund and the airport and airway trust fund from the unified federal budget. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betrozoff, Cantwell, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representatives Baugher, Vice Chair; Cooper, Haugen and Prince.

Passed to Committee on Rules for second reading.

January 26, 1989

HCR 4403 Prime Sponsor, Representative Rust: Creating a Biospheric Task Force. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 28, after "legislature," strike "and the academic community" and insert "the academic and business communities, and citizen groups"

On page 2, line 11, after "presidents;" strike "and"

On page 2, line 13, after "and" insert "two persons from citizen groups, appointed by the director of the state energy office; and"

Signed by Representatives Rust, Chair, Valle, Vice Chair, D. Sommers, Ranking Republican Member, Brekke, Fraser, Phillips, Pruitt, Schoon, Sprenkle and Walker.

Absent: Representatives G. Fisher, Pruitt and Van Luvan.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Ebersole, the bills, memorial and resolution listed on today's committee reports under the fifth order of business were referred to the committees so designated.

Representatives P. King and R. Meyers appeared at the bar of the House.

The Speaker declared the House to be at ease until 11:30 a.m.

The Speaker called the House to order at 11:30 a.m.

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

SECOND READING

HOUSE BILL NO. 1022, by Representatives Spanel, S. Wilson, R. King, Schmidt, Braddock, Haugen, Ebersole, Cooper, Kremen, Cole, Heavey, Winsley, Youngsman, Basich, Rasmussen, P. King and K. Wilson

Allowing smelt fishing without a license in one-day fishing derbies.

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

Representatives Spanel and Youngsman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1022, and the bill passed the House by the following vote: Yeas, 94; absent, 3; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G. Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Ratter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Gallagher, Locke, Sommers H - 3.

Excused: Representative O'Brien - 1.

House Bill No. 1022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Ebersole, the House began consideration of bills on the suspension calendar.

HOUSE BILL NO. 1001, by Representatives P. King and Patrick

Clarifying language relating to writs of certiorari.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Appelwick spoke in favor of the motion.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Mr. Padden.

Mr. Padden: Representative Appelwick, I notice we are eliminating some language here which reads as follows: "If there was such proof, whether there was, upon all the evidence, such a preponderance of proof, against the existence thereof, rendered in an action in a court, triable by a jury, as would be set aside by the court, as against the weight of evidence." Could you tell me what that means?

Mr. Appelwick: Having read the bill, I can. It means whether there were factual determinations supported by substantial evidence.

Mr. Padden spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1001.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1001, and the bill passed the House by the following vote: Yeas, 95; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G. Fisher R,

Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Gallagher, Locke - 2.

Excused: Representative O'Brien - 1.

House Bill No. 1001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1002, by Representatives P. King, Patrick and Padden

Correcting or amending internal references in the Revised Code of Washington.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Appelwick spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1002.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1002, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumstickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Locke - 1.

Excused: Representative O'Brien - 1.

House Bill No. 1002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1003, by Representatives P. King, Patrick and Padden

Repealing obsolete sections in the Revised Code of Washington.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Appelwick spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1003.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1003, and the bill passed the House by the following vote: Yeas, 95; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumstickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice,

Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Basich, Locke - 2.

Excused: Representative O'Brien - 1.

House Bill No. 1003, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1004, by Representatives P. King, Patrick and Padden

Making technical corrections in the Revised Code of Washington.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Appelwick spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1004.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1004, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslie, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Locke - 1.

Excused: Representative O'Brien - 1.

Substitute House Bill No. 1004, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1005, by Representatives P. King, Patrick and Padden

Reconciling double amendments or repeals in the Revised Code of Washington.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Appelwick spoke in favor of the motion.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Mr. R. Meyers.

Mr. R. Meyers: Representative Appelwick, are the provisions of House Bill No. 1005 retroactive to the date the double amendments were adopted?

Mr. Appelwick: Bills correcting double amendments are procedural in nature. Procedural issues are by statute retroactive in their application.

Mr. R. Meyers: Is the double amendment regarding privileged communications retroactive back to 1987 when both bills passed?

Mr. Appelwick: In the case of the double amendments in House Bill No. 1005 dealing with privileged communications, both statutory sections are considered adopted and are law as long as they did not contradict each other. Neither of these bills contradicted each other, and the amendments on privileged communications therefore stand as separate acts from the date of their original effectiveness. They would not be retroactively superseded.

The motion was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1005.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1005, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Locke - 1.

Excused: Representative O'Brien - 1.

Substitute House Bill No. 1005, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1088, by Representatives Dellwo, Padden and P. King; by request of Statute Law Committee

Correcting statutes affected by vetoes by the governor.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Appelwick spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1088.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1088, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Locke - 1.

Excused: Representative O'Brien - 1.

Substitute House Bill No. 1088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Mr. Ebersole, House Bill No. 1514 was referred from Committee on Higher Education to Committee on State Government.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Wednesday, February 1, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

TWENTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, February 1, 1989

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Appelwick, Bristow, Fraser, Morris, O'Brien, Schmidt, Silver, Todd, Wang, K. Wilson and Wineberry. On motion of Ms. H. Myers, Representatives Fraser, O'Brien and Todd were excused. On motion of Ms. Miller, Representative Silver was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Timothy Weech and John Bylsma, Jr. Prayer was offered by Representative Clyde Ballard.

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

MESSAGE FROM THE SENATE

January 30, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5061,
SUBSTITUTE SENATE BILL NO. 5377,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 1604 by Representatives Wineberry, Schmidt, Belcher, Nutley, Anderson, K. Wilson, Crane, Jacobsen, Basich, Pruitt, Sayan, Ebersole, Phillips, Brække, Nelson, Sprenkle, Leonard, G. Fisher, Rector, Spanel, Todd and R. King

AN ACT Relating to liability insurance coverage for child care providers; amending RCW 48.88.010, 48.88.020, 48.88.030, 48.88.050, 48.88.060, and 48.88.070; adding new sections to chapter 48.88 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1605 by Representatives Cooper, Morris, Raiter, H. Myers, Spanel, P. King and Youngsman

AN ACT Relating to excepting smelt fishing from food fish licensing requirements; and amending RCW 75.25.090.

Referred to Committee on Fisheries & Wildlife.

HB 1606 by Representatives S. Wilson, Haugen, Spanel, Bowman, Vekich, R. King, Brooks, Basich, Morris, Smith, Cole and Leonard

AN ACT Relating to the taking of food fish and shellfish; and adding a new section to chapter 75.08 RCW.

Referred to Committee on Fisheries & Wildlife.

HB 1607 by Representatives Walk, Tate, Jacobsen, Walker, Prentice and Wineberry

AN ACT Relating to including muscular dystrophy in the definition of developmental disabilities; and amending RCW 71A.10.020.

Referred to Committee on Human Services.

HB 1608 by Representative Walk

AN ACT Relating to ophthalmologists; amending RCW 18.55.020, 18.55.040, 18.55.050, and 18.55.060; and adding new sections to chapter 18.55 RCW.

Referred to Committee on Health Care.

HB 1609 by Representatives Wang, Patrick, Wineberry, Appelwick, Anderson, Jacobsen, Jones, Prentice, Phillips and Todd

AN ACT Relating to crimes motivated by bigotry and bias; and adding a new section to chapter 36.28A RCW.

Referred to Committee on Judiciary.

HB 1610 by Representative Wang

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

Referred to Committee on Commerce & Labor.

HB 1611 by Representatives Wang, Vekich and R. King

AN ACT Relating to modification of the liquor tied-house provisions and requiring retailers to pay cash for beer and wine purchases from wholesalers; amending RCW 66.24.360, 66.28.040, and 66.28.155; creating new sections; and repealing RCW 66.28.010 and 66.28.190.

Referred to Committee on Commerce & Labor.

HB 1612 by Representatives Scott, Beck, Haugen, Kremen, R. King, Cantwell, Wood, Braddock, P. King, S. Wilson, K. Wilson, Spanel, Jacobsen, Dellwo, Van Luven, Wineberry, Brekke, Nelson, Sprenkle and Rasmussen

AN ACT Relating to a pilot program for providing residential care to mentally ill persons; adding new sections to chapter 71.24 RCW; creating new sections; and making appropriations.

Referred to Committees on Human Services/Appropriations.

HB 1613 by Representatives Scott, Beck, Haugen, Kremen, Cantwell, R. King, Wood, Braddock, P. King, S. Wilson, K. Wilson, Spanel, Jacobsen, Dellwo, Van Luven, Sayan, Wineberry, Brekke, Crane, Nelson and Sprenkle

AN ACT Relating to providing residential care to mentally ill persons; adding new sections to chapter 71.24 RCW; creating new sections; and making appropriations.

Referred to Committees on Human Services/Appropriations.

HB 1614 by Representatives Jacobsen, R. King, Cole, S. Wilson, Anderson, Nelson, Belcher, Jones, Fraser, Wang, Locke, Cantwell, Todd and Sprenkle

AN ACT Relating to the sale of live, wild birds; adding a new chapter to Title 77 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Fisheries & Wildlife.

HB 1615 by Representatives Braddock, Hine, Brough, Chandler, Cantwell, Vekich, P. King, Sayan, Wineberry, Crane, Sprenkle and G. Fisher; by request of Attorney General

AN ACT Relating to health care neglect in residential facilities; adding a new chapter to Title 9A RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care.

HB 1616 by Representatives Baugher, Wood, Rayburn, Beck, D. Sommers, Crane, Rector and Spanel; by request of Department of Community Development

AN ACT Relating to appropriations for projects recommended by the public works board; creating new sections; and declaring an emergency.

Referred to Committee on Capital Facilities & Financing.

HB 1617 by Representatives Belcher, R. King, Locke, Rust, Valle, Jones and Nelson

AN ACT Relating to the transfer of pesticide control and regulation functions; amending RCW 15.58.030, 17.21.020, 17.21.230, 43.23.110, 70.104.030, and 70.104.040; adding a new section to chapter 15.58 RCW; and creating new sections.

Referred to Committees on Environmental Affairs/Agriculture & Rural Development.

HB 1618 by Representatives Locke, Nutley, Winsley, Wineberry, Betrozoff, Anderson, Jacobsen and O'Brien

AN ACT Relating to public housing authorities; amending RCW 35.82.020, 35.82.070, 35.82.080, 35.82.090, and 39.04.010; and adding a new section to chapter 35.82 RCW.

Referred to Committee on Housing.

HB 1619 by Representative Brekke

AN ACT Relating to alcoholism and other drug addiction; amending RCW 70.96A.010, 70.96A.020, 70.96A.030, 70.96A.040, 70.96A.050, 70.96A.060, 70.96A.070, 70.96A.080, 70.96A.090, 70.96A.100, 70.96A.110, 70.96A.120, 70.96A.140, 70.96A.150, 70.96A.160, 70.96A.170, 70.96A.180, 70.96A.190, and 18.130.180; adding new sections to chapter 70.96A RCW; and repealing RCW 69.54.010, 69.54.020, 69.54.030, 69.54.033, 69.54.035, 69.54.040, 69.54.050, 69.54.060, 69.54.070, 69.54.080, 69.54.090, 69.54.100, 69.54.110, 69.54.120, 69.54.130, 70.96.021, 70.96.085, 70.96.092, 70.96.094, 70.96.095, 70.96.096, 70.96.150, 70.96.160, 70.96.170, 70.96.180, 70.96.190, 70.96.200, 70.96A.200, 70.96A.210, 70.96A.220, and 70.96A.900.

Referred to Committee on Human Services.

HB 1620 by Representatives Raiter, Belcher, R. Fisher, G. Fisher, Scott, R. King, Cole, Brumsickle, McLean, Bowman, Nutley, Locke, H. Myers, Jones, Jesernig, Nelson, Hargrove, Ferguson, P. King, Pruitt, Sprengle and Rector

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

Referred to Committees on Natural Resources & Parks/ Appropriations.

HB 1621 by Representatives Belcher, Jacobsen, Cole, R. King, R. Fisher, Bowman, Appelwick, Locke, Morris, Nelson, Haugen, Anderson, O'Brien, Wineberry and Brekke

AN ACT Relating to spousal maintenance; and amending RCW 26.09.090.

Referred to Committee on Judiciary.

HB 1622 by Representatives Belcher, Rust, Bowman, Valle, Brumsickle, Jesernig and Haugen

AN ACT Relating to recreational boating; amending RCW 82.49.030, 88.02.040, 88.02.050, 88.02.060, 88.02.070, and 88.02.030; and adding a new chapter to Title 88 RCW.

Referred to Committee on Natural Resources & Parks.

HB 1623 by Representatives Belcher, Bowman, Ferguson, Brumsickle, Haugen, Hargrove, Locke and McLean

AN ACT Relating to winter recreation activities of the state parks and recreation commission; and amending RCW 43.51.290 and 70.88.080.

Referred to Committee on Judiciary.

HB 1624 by Representatives Belcher, R. King, K. Wilson, Brumsickle, Haugen, Bowman, Locke, Jacobsen and Sayan

AN ACT Relating to the sale of valuable materials from state-owned tidelands and shorelands; amending RCW 79.90.210, 79.90.240, and 79.96.080; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Natural Resources & Parks.

HB 1625 by Representatives Braddock and Brooks

AN ACT Relating to funeral establishments; amending RCW 18.39.010, 18.39.240, 18.39.250, 18.39.260, 18.39.280, 18.39.300, 18.39.320, 18.39.330, 18.39.350, and 18.39.360; adding new sections to chapter 18.39 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1626 by Representatives Braddock and Sprenkle; by request of Department of Social and Health Services

AN ACT Relating to medical test site licensure; adding a new chapter to Title 70 RCW; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Health Care.

HB 1627 by Representatives Braddock, Wineberry and Rector; by request of Department of Social and Health Services

AN ACT Relating to long-term care; amending RCW 74.08.541, 74.08.545, 74.08.550, 11.94.050, 74.09.510, 74.09.700, 74.46.020, 74.46.410, and 74.46.430; reenacting and amending RCW 74.46.360; adding new sections to chapter 74.09 RCW; creating a new section; repealing RCW 74.09.532, 74.09.534, and 74.09.536; providing effective dates; and declaring an emergency.

Referred to Committee on Health Care.

HB 1628 by Representatives Vekich, Patrick, Cole, P. King and Sayan; by request of Employment Security Department

AN ACT Relating to unemployment compensation benefits, claims, recovery, appeals, and confidentiality; amending RCW 50.20.098 and 50.20.190; and adding a new section to chapter 50.13 RCW.

Referred to Committee on Commerce & Labor.

HB 1629 by Representatives Vekich, Patrick, Cole, Locke, Appelwick, Anderson, Winsley, Leonard, Prentice, R. King, Rector, Wineberry, Scott, Jacobsen, Belcher, Cooper, Pruitt, Wang, Nutley, Phillips, K. Wilson, Cantwell, Valle, Brekke, Fraser, Nelson, P. King, O'Brien, Dellwo, Basich, Sayan, Ebersole, Rust, R. Fisher and Sprenkle; by request of Employment Security Department

AN ACT Relating to unemployment compensation coverage for agricultural labor; and repealing RCW 50.04.150 and 50.04.155.

Referred to Committee on Commerce & Labor.

HB 1630 by Representatives Nutley, Winsley, Leonard, Todd and Brough

AN ACT Relating to clarifying the property classification of manufactured homes; amending RCW 46.12.290, 61.12.030, 46.70.135, 33.24.007, 46.44.173, 46.04.302, and 82.50.010; adding a new chapter to Title 65 RCW; adding a new section to chapter 46.12 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Housing.

HB 1631 by Representatives Ferguson, Haugen, Van Luven, Braddock, Hine, Nelson, May and Day

AN ACT Relating to the use of local improvement districts by cities and towns to finance convention centers; and amending RCW 35.43.040.

Referred to Committees on Local Government/Capital Facilities & Financing.

HB 1632 by Representatives Todd, Chandler, Anderson, Patrick and Crane

AN ACT Relating to landlords' liens against mobile homes; and adding a new section to chapter 59.12 RCW.

Referred to Committee on Housing.

HB 1633 by Representatives Todd, Chandler, Anderson, Patrick and Crane

AN ACT Relating to landlords' liens for rent; and amending RCW 60.72.010.

Referred to Committee on Housing.

HB 1634 by Representatives Haugen, Ferguson, Van Luven, Braddock and Fraser

AN ACT Relating to indebtedness limitations for cities and towns; and amending RCW 39.36.020.

Referred to Committee on Local Government.

HB 1635 by Representatives Brough, Appelwick and G. Fisher; by request of Department of Social and Health Services

AN ACT Relating to support enforcement; amending RCW 4.16.020, 4.56.210, 6.17.020, 74.20A.220, 74.20A.100, 26.23.030, 74.20.101, 74.20A.040, 74.20A.060, 74.20A.080, 74.20.040, 74.20.330, 26.23.050, 26.23.110, 26.23.120, 26.26.130, 4.56.110, 6.27.360, 6.15.020, 2.10.180, 2.12.090, 41.26.180, 41.32.590, 41.24.240, 41.40.380, 41.44.240, 74.20A.120, 26.23.040, 26.23.100, 26.23.060, and 74.20A.270; reenacting and amending RCW 26.09.120, 43.43.310, and 74.20A.030; adding new sections to chapter 26.23 RCW; repealing RCW 74.20A.190 and 26.23.100; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1636 by Representatives Dellwo, Silver, Rector, Day, D. Sommers, Moyer, Padden and Wolfe

AN ACT Relating to tax exemptions for military installations on the national register of historic places; amending RCW 84.36.800, 84.36.805, and 84.36.810; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Revenue.

HB 1637 by Representatives Dellwo, Silver, Rector, Wolfe, Padden, Moyer, D. Sommers and Day

AN ACT Relating to free hospital excise tax exemptions on necessary items; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Revenue.

HB 1638 by Representatives Dorn, Winsley, Heavey, Grant, Rasmussen, Crane, R. Meyers, Anderson, Brough, Beck, Ballard, Bowman, D. Sommers, Wolfe, Kremen, P. King, Wood, May, G. Fisher and Todd

AN ACT Relating to crimes; amending RCW 13.40.160; adding a new section to chapter 9A.52 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1639 by Representatives Dorn, Ferguson, Cooper, R. Meyers, Haugen, Zellinsky and Rasmussen

AN ACT Relating to fire protection districts; amending RCW 52.02.030, 52.02.040, 52.02.050, 52.02.070, 52.02.080, 52.02.110, 52.04.011, 52.04.031, 52.04.051, 52.04.056, 52.06.010, 52.06.030, 52.06.060, 52.06.090, 52.06.100, 52.10.010, 52.14.015, 52.14.025, 52.14.050, 52.14.060, 52.14.070, 52.16.010, 52.16.030, 52.16.040, 52.16.130, 52.18.010, 52.18.030, 52.18.040, 52.18.060, 52.20.025, and 52.22.011; adding a new section to chapter 52.02 RCW; adding a new section to chapter 52.04 RCW; adding a new section to chapter 52.06 RCW; adding a new section to chapter 52.30 RCW; and repealing RCW 52.02.090, 52.02.100, 52.02.120, 52.02.130, 52.06.040, 52.14.040, and 52.30.010.

Referred to Committee on Local Government.

HB 1640 by Representatives Jacobsen, Miller, Nelson, O'Brien and P. King

AN ACT Relating to the Washington research grant program; adding new sections to chapter 28B.10 RCW; and making an appropriation.

Referred to Committees on Higher Education/Appropriations.

HB 1641 by Representatives Leonard, Hankins, Brekke, Belcher, Scott, Brough, Fraser, Miller, Wineberry, Valle, Anderson, Cole, Prentice, P. King, Winsley, Phillips, R. Fisher, Sprenkle, Rasmussen, Rector, Todd and R. King

AN ACT Relating to visitation; amending RCW 26.10.160, 26.09.191, and 26.09.240; and reenacting and amending RCW 13.34.130.

Referred to Committee on Judiciary.

HB 1642 by Representatives Leonard, Brough, Prentice, Padden, Wineberry, Patrick, Van Luven, P. King, Winsley, G. Fisher and Todd

AN ACT Relating to crime victim compensation for victims of vehicular assault; and amending RCW 7.68.020.

Referred to Committee on Judiciary.

HB 1643 by Representatives Appelwick, Padden, Inslee, Miller, R. King, P. King, Dorn, Cole, Wineberry, Belcher, Dellwo, Leonard, Heavey, Crane, R. Meyers, K. Wilson, Wolfe, Rector, Prince, Brekke, Brough, Pruitt, Jacobsen, Fuhrman, Locke, Wang and Ferguson

AN ACT Relating to prejudgment interest; amending RCW 4.56.110; adding a new section to chapter 4.56 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1644 by Representatives Beck, Baugher, Zellinsky, Schmidt, Crane and Brough

AN ACT Relating to drivers' license examinations; and amending RCW 46.20.120.

Referred to Committee on Transportation.

HB 1645 by Representatives Walk, Prince, Zellinsky, Ballard, R. Fisher, R. Meyers and Chandler

AN ACT Relating to the relationship between motor vehicle dealers and manufacturers; amending RCW 46.70.005, 46.70.011, 46.70.180, and 46.70.190; adding new sections to chapter 46.70 RCW; repealing RCW 46.70.200 and 46.70.210; and declaring an emergency.

Referred to Committee on Transportation.

HB 1646 by Representatives Dellwo and Winsley

AN ACT Relating to real estate brokers, associate real estate brokers, and real estate salespersons; amending RCW 18.85.230; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1647 by Representatives Rayburn, Baugher, Crane, Smith, Padden, Fuhrman, Hankins, Prince, Leonard, Heavey, Jacobsen, Haugen, Spanel, Rasmussen, Brough, Beck, Ballard, Bowman, Wolfe and Doty

AN ACT Relating to the prevention of impoverishment of spouses of institutionalized persons; adding new sections to chapter 74.09 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1648 by Representatives R. King, Basich, S. Wilson, Cole, Haugen and Spanel

AN ACT Relating to commercial crab fishing in coastal waters; adding a new section to chapter 75.30 RCW; creating a new section; and making an appropriation.

Referred to Committees on Fisheries & Wildlife/Appropriations.

HB 1649 by Representative Haugen

AN ACT Relating to extending the expiration date on adjustment of regular property tax levy rates; and amending RCW 84.52.0501.

Referred to Committee on Local Government.

HB 1650 by Representatives Basich, Leonard, Sayan, Moyer, Ebersole, Brooks, Raiter, Winsley, Prentice, Jones, Rust, Cole, Cooper, Todd, Walker, Tate, Jacobsen, Cantwell, Vekich, P. King, Wineberry, Hargrove, Fraser, Rasmussen, Betzoff, Sprengle, Peery, Wang, H. Myers,

Scott, Brekke, Crane, Dorn, R. Meyers, Anderson, Dellwo, Ferguson, Pruitt, Morris, G. Fisher and Rector

AN ACT Relating to the children-youth coordinating council; adding a new chapter to Title 70 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services.

HB 1651 by Representatives Baugher, Chandler, McLean, Grant, Kremen, Jesernig, Rayburn, Rasmussen, Nealey, Braddock, Holland, Haugen, Beck, Zellinsky, Schmidt, Dorn, Basich, Raiter, Betrozoff, D. Sommers, Smith, Tate, Gallagher, Silver, Hargrove, Fuhrman, Day, Moyer, Hankins, Wood, Brooks, Walker, R. Meyers, Prince, Prentice, S. Wilson, Ebersole, Crane, Youngsman, May, Ballard, Brunsickle, Bowman, Winsley, Rector, Spanel and Insole

AN ACT Relating to flood plains; and amending RCW 86.16.031 and 86.16.041.

Referred to Committee on Environmental Affairs.

HB 1652 by Representatives Baugher, Gallagher, Rayburn, Nelson, Crane, Heavey, Locke, O'Brien, Dellwo, Wang, Pruitt, Wineberry, Haugen, Day, G. Fisher, Rector and K. Wilson

AN ACT Relating to providing motorist services at service stations; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Commerce & Labor.

HB 1653 by Representative Appelwick

AN ACT Relating to credit agreements; and adding new sections to chapter 19.36 RCW.

Referred to Committee on Judiciary.

HB 1654 by Representatives Valle, Prince, Ebersole, Hine, Crane, P. King, Locke, Phillips, Jacobsen, Pruitt, Scott, Heavey, Fraser, Winsley, Cole, K. Wilson, H. Sommers, Appelwick, Brekke, Anderson, R. King, Hargrove, Sprenkle, Jones, Dellwo, Wang, Nutley, Sayan, Wineberry, Rust, Nelson and Leonard

AN ACT Relating to the acquisition of the William O. Douglas property for the establishment of a permanent memorial; creating a new section; and making an appropriation.

Referred to Committees on Natural Resources & Parks/ Appropriations.

HB 1655 by Representatives Schoon, Valle, G. Fisher, Peery, Walker, Phillips, Rayburn, Cole, P. King, K. Wilson, Baugher, Ferguson, Smith, Pruitt, Winsley, Wineberry and Todd

AN ACT Relating to elementary school counselors; adding new sections to chapter 28A.03 RCW; and making an appropriation.

Referred to Committees on Education/Appropriations.

HB 1656 by Representative Crane

AN ACT Relating to the regulation of the sale of lands; amending RCW 58.19.010, 58.19.020, 58.19.030, 58.19.050, 58.19.070, 58.19.120, 58.19.130, 58.19.140, 58.19.170, 58.19.180, 58.19.190, 58.19.270, 58.19.300, and 58.19.940; adding a new section to chapter 58.19 RCW; and repealing RCW 58.19.040, 58.19.060, 58.19.080, 58.19.090, 58.19.100, 58.19.110, 58.19.150, 58.19.160, 58.19.200, 58.19.210, 58.19.220, 58.19.230, 58.19.240, 58.19.250, 58.19.260, 58.19.290, 58.19.900, 58.19.910, and 58.19.930.

Referred to Committee on Judiciary.

HB 1657 by Representatives R. Fisher, McLean, H. Sommers, Locke, Dellwo, Appelwick, Belcher, Silver, Winsley and R. King; by request of Department of General Administration and Office of Financial Management

AN ACT Relating to risk management and the state liability fund; amending RCW 4.92.130 and 43.84.092; adding new sections to chapter 4.92 RCW; adding a new section to

chapter 43.19 RCW; creating new sections; repealing RCW 4.92.140, 4.92.170, and 43.19-.19366; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1658 by Representatives Hargrove, Padden, Scott, Kremen, Brough, Bowman and P. King

AN ACT Relating to sexual exploitation of children; amending RCW 9.68A.011, 9.68A-.040, 9.68A.050, 9.68A.060, 9.68A.070, 9.68A.080, 9.68A.090, 9.68A.100, and 9.68A.110; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1659 by Representative Hargrove

AN ACT Relating to delivery of social services; creating new sections; and providing an expiration date.

Referred to Committee on Human Services.

HB 1660 by Representatives Hargrove, Padden, Scott, Kremen, Patrick, Brough, Basich, Ferguson, Haugen and Youngsman

AN ACT Relating to public display and distribution to minors of material harmful to minors; adding new sections to chapter 9.68 RCW; repealing RCW 9.68.050, 9.68.060, 9.68-.070, 9.68.080, 9.68.090, 9.68.100, 9.68.110, 9.68.120, and 9.68.130; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1661 by Representatives Hine, G. Fisher, Valle and Heavey

AN ACT Relating to the location of electrical facilities; amending RCW 80.32.010; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 36.32 RCW.

Referred to Committee on Local Government.

HB 1662 by Representative Walk

AN ACT Relating to the registration of contractors; adding new sections to chapter 18.27 RCW; repealing RCW 60.04.230; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1663 by Representatives Nutley, Winsley, Leonard, Ballard, Anderson, Jacobsen, Locke, O'Brien, Prentice, Sayan, Wineberry, Ebersole, Brekke, Rust, Nelson and Rector

AN ACT Relating to farmworker housing; amending RCW 43.185.060; adding a new chapter to Title 70 RCW; adding a new section to chapter 36.34 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 19.27A RCW; adding new sections to chapter 70.54 RCW; repealing RCW 70.54.110; and declaring an emergency.

Referred to Committee on Housing.

HB 1664 by Representatives Betzoff, Baugher, Zellinsky, Patrick, R. Fisher, R. Meyers, Schmidt, Ferguson and Walker

AN ACT Relating to the tinting or coloring of windows and windshields of motor vehicles; amending RCW 46.37.430; and prescribing penalties.

Referred to Committee on Transportation.

HB 1665 by Representatives R. Fisher, McLean, Anderson, Ferguson and Winsley

AN ACT Relating to surplus property; and amending RCW 43.19.1919.

Referred to Committee on State Government.

HB 1666 by Representatives Anderson, Hankins, R. Fisher, Jacobsen, R. King, Bristow, Silver, Rector, McLean, O'Brien, Prentice, Wineberry, Todd, Morris, Sayan, Beck, Wang, Ferguson, Van Luven, P. King, Nutley, Pruitt, Winsley, Youngsman and Nelson; by request of Secretary of State

AN ACT Relating to voter registration in driver's licensing facilities; amending RCW 29.07.070, 29.07.080, and 29.07.140; adding new sections to chapter 29.07 RCW; adding a new section to chapter 46.20 RCW; prescribing penalties; making an appropriation; and providing an effective date.

Referred to Committee on State Government.

HB 1667 by Representatives Day, Dellwo, Winsley, Crane, Moyer, P. King and Rector

AN ACT Relating to rehabilitation counselors; amending RCW 18.19.030, 18.19.020, 43.131.357, and 43.131.358; and adding a new section to chapter 18.19 RCW.

Referred to Committee on Human Services.

HB 1668 by Representatives Anderson, Moyer, Locke, Bristow, Jacobsen and Wineberry; by request of Department of Social and Health Services

AN ACT Relating to public assistance; amending RCW 74.04.060, 74.04.473, 74.04.477, and 50.63.030; reenacting and amending RCW 74.04.005; repealing RCW 74.12.290, 74.12.300, 74.12.310, 74.12.320, and 74.12.330; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services.

HB 1669 by Representatives Anderson, R. Fisher, Winsley, Jacobsen, Haugen, Schoon, Bristow, Wineberry, Beck, Horn and D. Sommers; by request of Secretary of State

AN ACT Relating to the confidentiality of initiative, referendum, and recall petitioners; reenacting and amending RCW 42.17.310; adding a new section to chapter 29.79 RCW; and adding a new section to chapter 29.82 RCW.

Referred to Committee on State Government.

HB 1670 by Representatives R. Fisher, Walker, Rasmussen and Winsley

AN ACT Relating to assaults on fire investigators, fire inspectors, and deputy state fire marshals; and amending RCW 9A.36.031.

Referred to Committee on Judiciary.

HB 1671 by Representatives Sprenkle, D. Sommers, Basich, Pruitt, Braddock, Appelwick, Ebersole, Walker, Phillips, Brekke, Rust, May, R. Fisher, Valle, Nelson, Rasmussen, Rector, Spanel, Todd and R. King

AN ACT Relating to solid waste; amending RCW 70.95.030, 70.95.100, 81.77.010, 81.77.020, 36.58.040, 35.21.120, 70.95.280, 70.95.090, 81.77.030, 70.95C.020, 35.23.352, 39.30.040, 43.19.1911, 43.99F.040, 43.160.010, and 43.160.060; amending section 15, chapter 528, Laws of 1987 as amended by section 6, chapter 184, Laws of 1988 (uncodified); reenacting and amending RCW 36.32.250; adding new sections to chapter 70.95 RCW; adding a new section to chapter 70.95C RCW; adding a new section to chapter 43.160 RCW; adding new sections to chapter 43.21A RCW; adding new sections to chapter 81.77 RCW; adding a new chapter to Title 70 RCW; adding a new chapter to Title 81 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 70.95.010; prescribing penalties; and making appropriations.

Referred to Committees on Environmental Affairs/Appropriations.

HB 1672 by Representatives Wang, Holland, Hine, Wineberry, Schoon, Rasmussen, Cantwell, Anderson, Locke, O'Brien, Patrick, Beck, Ferguson, P. King, Pruitt, Sayan, Winsley, Ebersole, Phillips, Crane, Youngsman, Leonard, G. Fisher, Spanel and Todd

AN ACT Relating to child care; amending RCW 74.13.095; adding a new section to chapter 82.04 RCW; creating new sections; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committees on Trade & Economic Development/Revenue.

HB 1673 by Representatives Wang, Peery and P. King

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

Referred to Committee on Education.

HB 1674 by Representative Wang

AN ACT Relating to competency of witnesses; amending RCW 5.60.030; and creating a new section.

Referred to Committee on Judiciary.

HB 1675 by Representatives Appelwick, Brekke, Cole, Jacobsen and Wineberry

AN ACT Relating to excess levies by school districts; and amending RCW 84.52.0531.

Referred to Committee on Education.

HB 1676 by Representatives H. Sommers, Rust, Holland, Wang and Winsley

AN ACT Relating to tax exemptions for nonresidents; and amending RCW 82.08.0273.

Referred to Committee on Revenue.

HB 1677 by Representatives Sayan, Holland, Dorn, Zellinsky and Vekich

AN ACT Relating to the collection and reporting of hospital financial, discharge, and charity care information; adding a new chapter to Title 70 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care.

HB 1678 by Representatives Sayan, Holland, Dorn and Zellinsky

AN ACT Relating to the certification of hospital services; amending RCW 70.38.025, 70.38.105, and 70.38.115; creating new sections; and declaring an emergency.

Referred to Committee on Health Care.

HB 1679 by Representatives Locke, Patrick, Heavey, Sayan, Phillips, Van Luven and Jacobsen

AN ACT Relating to involuntary infertility; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1680 by Representatives Rector, Phillips, Raiter and H. Myers

AN ACT Relating to the uniform preservation of private business records; and creating a new chapter in Title 40 RCW.

Referred to Committee on Judiciary.

HB 1681 by Representatives Peery, Locke, Betzoff, G. Fisher, H. Myers, Holland, Cole, Fraser, P. King, Jones, Walker, Pruitt, Winsley, Crane and Todd

AN ACT Relating to the salary allocation schedule; amending RCW 28A.41.112; and creating a new section.

Referred to Committees on Education/Appropriations.

HB 1682 by Representatives Brough, Vekich, Patrick, Jacobsen, Cole, Leonard, Todd, O'Brien and Schoon

AN ACT Relating to fund raising events by bona fide charitable or nonprofit corporations; and amending RCW 9.46.0233.

Referred to Committee on Commerce & Labor.

HB 1683 by Representatives Nelson, Miller, K. Wilson, Hankins, Rust, Valle, Brekke, R. Fisher, Cole, Hine, H. Sommers, Jacobsen, Winsley, Haugen and Inslee

AN ACT Relating to accommodations in public facilities; and adding a new section to chapter 19.27 RCW.

Referred to Committee on State Government.

HB 1684 by Representatives Nelson, Betzoff and Spanel

AN ACT Relating to motor vehicles; amending RCW 46.37.270 and 46.37.280; adding a new section to chapter 46.37 RCW; and adding a new section to chapter 48.02 RCW.

Referred to Committee on Transportation.

HB 1685 by Representatives Nelson, Betrozoff and Spanel

AN ACT Relating to motor vehicle equipment; amending RCW 46.37.270 and 46.37.280; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Transportation.

HB 1686 by Representative Nelson

AN ACT Relating to lights on for hire vehicles; and adding a new section to chapter 46.37 RCW.

Referred to Committee on Transportation.

HB 1687 by Representative Nelson

AN ACT Relating to throwing or depositing injurious materials on a highway; and amending RCW 46.61.645.

Referred to Committee on Transportation.

HB 1688 by Representatives K. Wilson, Belcher and Beck

AN ACT Relating to contracts or leases of tidelands, shorelands, or beds of navigable waters; and amending RCW 79.90.370.

Referred to Committee on Natural Resources & Parks.

HB 1689 by Representatives Kremen, Gallagher and S. Wilson; by request of Department of Licensing

AN ACT Relating to refund of licensing fees; amending RCW 46.68.010, 82.44.120, and 82.50.170; adding a new section to chapter 82.49 RCW; adding a new section to chapter 88.02 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1690 by Representatives Prince, Day and D. Sommers; by request of Department of Licensing

AN ACT Relating to the motor vehicle fuel tax; amending RCW 82.36.230, 82.38.030, and 82.42.030; adding a new section to chapter 82.36 RCW; repealing RCW 82.36.302; and declaring an emergency.

Referred to Committee on Transportation.

HJM 4006 by Representatives Anderson, R. Fisher, Hankins, Jacobsen, Winsley, Brekke, R. King, Nelson, Jesernig, Rector, Haugen, Wineberry, Spanel, O'Brien, Kremen, Morris, Bristow, Sayan, McLean, Brumsickle, Jones, Brough, Beck, Wang, Basich, Ballard, Horn, Ferguson, Bowman, Walker, D. Sommers, Wolfe, Fuhrman, Nealey, Youngsman, Leonard, Tate, G. Fisher, Todd and Doty

Asking the federal government to adopt a uniform poll closing law.

Referred to Committee on State Government.

HJR 4212 by Representative H. Sommers

Authorizing nonresident sales tax exemptions in border counties.

Referred to Committee on Revenue.

SSB 5061 by Committee on Environment & Natural Resources (originally sponsored by Senators Smith, DeJarnatt, Metcalf, Benitz and Rasmussen)

Excepting smelt and albacore from personal use license requirements.

Referred to Committee on Fisheries & Wildlife.

SSB 5377 by Committee on Ways & Means (originally sponsored by Senators McDonald, Gaspard, West, Talmadge, Sellar, Bailey, Craswell,

Cantu, Hayner, Smitherman, Wojahn, McMullen, Smith, Sutherland, Murray, Niemi, Stratton and Anderson)

Appropriating money for the alcoholism and drug addiction treatment and support act.

Referred to Committee on Appropriations.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

January 31, 1989
HB 1053 Prime Sponsor, Representative Haugen: Extending sewer district annexation to include any island. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Passed to Committee on Rules for second reading.

January 31, 1989
HB 1058 Prime Sponsor, Representative R. Fisher: Revising provisions for suspension without pay of a state patrol officer. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 12, after "officer" strike "calls" and insert "is of a criminal nature calling"
 On page 1, line 15, after "suspension," insert "However, this does not preclude the granting of a mutually agreed upon extension; in such cases the officer shall remain on suspension without pay."

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, Rector, Sayan and Silver.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

January 31, 1989
HB 1101 Prime Sponsor, Representative H. Sommers: Authorizing the state library commission to move the western library network to private nonprofit status. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, Rector and Sayan.

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

Absent: Representative O'Brien.

Referred to Committee on Appropriations.

January 31, 1989
HB 1172 Prime Sponsor, Representative Belcher: Revising requirements for natural resources conservation areas. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Brumsickle, Dellwo, Ferguson, R. Fisher, Raiter and Sayan.

Voting nay: Representatives Beck, Ranking Republican Member; and Hargrove.

Absent: Representative Fuhrman.

Referred to Committee on Appropriations.

January 27, 1989

HB 1260 Prime Sponsor, Representative Vekich: Updating references to women and minorities in apprenticeship programs statute. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 1, strike line 28 and insert "~~or Spanish Americans, Orientals and Indians or~~) Filipinos, Asian Pacific Americans."

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representatives Patrick, Ranking Republican Member; and O'Brien.

Passed to Committee on Rules for second reading.

January 27, 1989

HB 1261 Prime Sponsor, Representative Cole: Revising procedures concerning violation of the industrial welfare laws. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representatives Patrick, Ranking Republican Member; and O'Brien.

Passed to Committee on Rules for second reading.

January 31, 1989

HB 1400 Prime Sponsor, Representative R. Meyers: Clarifying the family court commissioner statute. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Luven and Wineberry.

Passed to Committee on Rules for second reading.

January 30, 1989

HB 1416 Prime Sponsor, Representative Jacobsen: Revising provisions for adjustment of state appropriations for needy student financial aid. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Fraser, Inslee, Jesernig, Miller, H. Myers, Rector and Wood.

Absent: Representatives Basich, Heavey and Prince.

Referred to Committee on Appropriations.

January 30, 1989

HB 1445 Prime Sponsor, Representative Inslee: Authorizing financial aid to needy students enrolled on at least a half-time basis. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Doty, Fraser, Inslee, Jesernig, Miller, H. Myers, Rector and Wood.

Absent: Representatives Basich, Heavey and Prince.

Referred to Committee on Appropriations.

MOTION

On motion of Mr. Ebersole, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

HOUSE BILL NO. 1020, by Representatives Vekich, Winsley, Patrick, Sayan, Prentice, Rector, Dellwo, Basich, Spanel and P. King

Authorizing collective bargaining for district and municipal court employees.

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

Mr. Vekich spoke in favor of passage of the bill, and Representatives Smith and May opposed it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1020, and the bill passed the House by the following vote: Yeas, 61; nays, 26; absent, 7; excused, 4.

Voting yea: Representatives Anderson, Basich, Baugher, Belcher, Bowman, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Miller, Myers H, Nelson, Nutley, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Tate, Valle, Vekich, Walk, Walker, Winsley, Zellinsky, and Mr. Speaker - 61.

Voting nay: Representatives Ballard, Beck, Betzoff, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Hankins, Horn, May, McLean, Moyer, Nealey, Padden, Prince, Schoon, Smith, Sommers D, Van Luven, Wilson S, Wolfe, Wood, Youngsman - 26.

Absent: Representatives Appelwick, Bristow, Morris, Schmidt, Wang, Wilson K, Wineberry - 7.

Excused: Representatives Fraser, O'Brien, Silver, Todd - 4.

House Bill No. 1020, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease until 11:30 a.m.

The Speaker called the House to order at 11:30 a.m.

Representatives Appelwick, Fraser, Morris, Schmidt, Silver, Wang, K. Wilson and Wineberry appeared at the bar of the House.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced that the House would begin consideration of bills on the suspension calendar.

HOUSE BILL NO. 1168, by Representatives Appelwick, Padden, Crane, Tate and P. King

Revising the uniform estate tax apportionment act.

The bill was read the second time.

Mr. Heavey moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Appelwick spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1168.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1168, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee,

Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Bristow - 1.

Excused: Representatives O'Brien, Todd - 2.

Substitute House Bill No. 1168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1169, by Representatives Padden, Crane, Tate and P. King

Regulating disclaimers of interest by beneficiaries.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Appelwick spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1169.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1169, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Bristow - 1.

Excused: Representatives O'Brien, Todd - 2.

Substitute House Bill No. 1169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1170, by Representatives Padden, Crane, Tate and P. King

Changing provisions relating to the exercise of the power of appointment.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Appelwick spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1170.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1170, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk,

Walker, Wang, Wilson K. Wilson S. Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Bristow - 1.

Excused: Representatives O'Brien, Todd - 2.

House Bill No. 1170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1198, by Representatives Nelson, Hankins, Jesernig, R. Meyers, Brooks, Wineberry, Walker, Cole, Miller and Gallagher

Authorizing first class cities to enter into agreement to own and operate electrical utilities.

The bill was read the second time.

Mr. Nelson moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Nelson and Hankins spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1198.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1198, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G. Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K. Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Bristow - 1.

Excused: Representatives O'Brien, Todd - 2.

House Bill No. 1198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1350, by Representatives Inslee, Patrick, Appelwick and Winsley

Revising marital deduction gifts and survivorship requirements.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Appelwick spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1350.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1350, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G. Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk,

Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Bristow - 1.

Excused: Representatives O'Brien, Todd - 2.

House Bill No. 1350, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1358, by Representatives Crane, Padden, P. King, Sayan, Heavey, Rector, Ebersole and Inslee; by request of Governor Gardner and Attorney General

Modifying the new Administrative Procedure Act and making conforming amendments.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted (For committee amendments, see Journal, 17th Day, January 15, 1989.) and the bill be advanced to third reading. Mr. Appelwick spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1358.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1358, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Mary, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruit, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Bristow - 1.

Excused: Representatives O'Brien, Todd - 2.

Engrossed House Bill No. 1358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Mr. Ebersole, House Bill No. 1055 was referred from Committee on Appropriations to Committee on Rules.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Friday, February 3, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

TWENTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, February 3, 1989

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Appelwick, Betrozoff, Bristow, Morris, O'Brien, Peery, Raiter, Silver, Vekich and Wineberry. On motion of Mr. Heavey, Representatives Bristow, O'Brien, Peery and Wineberry were excused. On motion of Ms. Miller, Representative Silver was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Anne Huizenga and Nicole Mailey. Prayer was offered by The Reverend Ron Tate, Minister of the College Street Christian Church of Lacey.

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

SPEAKER'S PRIVILEGE

The Speaker introduced Senator Charles Bruner, a member of the Iowa General Assembly and Chairman of the National Conference of State Legislatures' Child Support Advisory Committee, and Ms. Susan Robison, Senior Staff Associate with the National Conference of State Legislatures. Senator Bruner and Ms. Robison were welcomed by the members of the House.

MESSAGES FROM THE SENATE

January 30, 1989

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4404,

HOUSE CONCURRENT RESOLUTION NO. 4405,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

February 2, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5039,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 1691 by Representatives R. Fisher, Belcher, Day and Dellwo

AN ACT Relating to official misrepresentation; and adding a new section to chapter 42.20 RCW.

Referred to Committee on State Government.

HB 1692 by Representatives Valle, Fuhrman, Peery, Holland and Pruitt

AN ACT Relating to abusive therapy in special education schools; adding a new chapter to Title 28A RCW; and prescribing penalties.

Referred to Committee on Education.

HB 1693 by Representatives Braddock, May, P. King, Sprenkle, Beck, Dellwo, S. Wilson and Miller

AN ACT Relating to alcoholic beverage control; and amending RCW 66.28.010.

Referred to Committee on Commerce & Labor.

HB 1694 by Representatives Nutley, Brough, Locke, Belcher, Wineberry, P. King, Anderson and Spanel

AN ACT Relating to the prevention of domestic violence; and amending RCW 26.50.010 and 26.50.060.

Referred to Committee on Judiciary.

HB 1695 by Representatives Bristow and Anderson; by request of Department of Social and Health Services

AN ACT Relating to eligibility for general assistance unemployable; and reenacting and amending RCW 74.04.005.

Referred to Committee on Human Services.

HB 1696 by Representatives R. Fisher, Wang, Winsley, Rasmussen, Schoon, Walk, Pruitt, Walker, Dorn, Tate, Ebersole, Nelson, Jacobsen, Grant, Appelwick, Belcher, Wineberry, Crane, Gallagher, Brough, R. Meyers and Todd

AN ACT Relating to the Washington state historical society; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Capital Facilities & Financing.

HB 1697 by Representatives Wang, Patrick and Vekich; by request of Department of Labor and Industries and State Investment Board

AN ACT Relating to industrial insurance premiums investment policy; and amending RCW 43.33A.110.

Referred to Committee on Commerce & Labor.

HB 1698 by Representatives R. Fisher, McLean and Anderson; by request of Secretary of State

AN ACT Relating to precinct boundaries; amending RCW 29.04.050 and 29.04.140; and repealing RCW 29.04.130 and 29.04.135.

Referred to Committee on State Government.

HB 1699 by Representatives Leonard, Patrick, Crane, Wolfe, Anderson, Prentice, Moyer, Cooper, Zellinsky, Padden, P. King, Bowman, Ferguson, Pruitt, Youngsman, Betrozoff and Haugen

AN ACT Relating to consumers' choice of pharmacies; adding a new section to chapter 48.42 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care.

HB 1700 by Representatives Leonard, Prentice, Patrick, Crane, Anderson, Braddock, Brooks, Moyer, Cooper, Zellinsky and Youngsman

AN ACT Relating to distribution of drug samples; amending RCW 69.45.050; creating a new section; and declaring an emergency.

Referred to Committee on Health Care.

HB 1701 by Representatives Leonard, Patrick, Prentice, Braddock, Anderson, Crane, Brooks, Moyer, Cooper, Zellinsky, H. Myers, Bowman, Ferguson and Youngsman

AN ACT Relating to out-of-state prescriptions; amending RCW 69.41.030 and 69.50.101; creating a new section; and declaring an emergency.

Referred to Committee on Health Care.

HB 1702 by Representatives Crane, Patrick, Cooper, Wolfe, Prentice, Anderson, Padden, Zellinsky, Youngsman and Betrozoff

AN ACT Relating to limiting strict liability of pharmacists; adding a new section to chapter 18.64 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1703 by Representatives R. Fisher, McLean and Anderson; by request of Office of Financial Management

AN ACT Relating to subsistence and travel expenses; and amending RCW 43.03.050 and 43.03.060.

Referred to Committee on State Government.

HB 1704 by Representatives R. Fisher, Berozoff, Locke, Baugher, Jacobsen, Braddock, Prince, Sayan, Hine, Valle, Wineberry and Winsley; by request of Secretary of State

AN ACT Relating to the heritage commission; amending RCW 27.34.020, 27.34.030, 27.34.040, 27.34.060, 27.34.070, 46.16.270, 46.16.650, 27.60.080, 27.34.280, and 43.126.025; adding new sections to chapter 27.34 RCW; repealing RCW 27.34.010 and 27.34.050; making appropriations; and declaring an emergency.

Referred to Committee on State Government.

HB 1705 by Representatives Sayan, R. King, Rayburn, Zellinsky, Anderson, Jones, Dellwo, Crane and Winsley

AN ACT Relating to veterans' preferences in public employment; amending RCW 41.04.010; and reenacting and amending RCW 41.06.150.

Referred to Committee on State Government.

HB 1706 by Representatives Sayan, R. King, Basich, Zellinsky, Patrick, Anderson and Crane

AN ACT Relating to improving recreational salmon fisheries in the state of Washington; creating a new section; and making an appropriation.

Referred to Committees on Fisheries & Wildlife/Appropriations.

HB 1707 by Representatives Sayan, Patrick, Zellinsky, Belcher and Anderson

AN ACT Relating to commercial fishing in Hood Canal; creating a new section; and adding a new section to chapter 75.12 RCW.

Referred to Committee on Fisheries & Wildlife.

HB 1708 by Representatives Sayan, Basich, Anderson, Patrick, Baugher, Jacobsen and May

AN ACT Relating to mandatory auto insurance; reenacting and amending RCW 46.63.020; creating a new chapter in Title 46 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1709 by Representatives O'Brien, Patrick, R. King and Sayan; by request of Department of Labor and Industries

AN ACT Relating to medical aid purchases of health care goods and services; amending RCW 51.04.030; adding a new section to chapter 51.36 RCW; and making an appropriation.

Referred to Committee on Commerce & Labor.

HB 1710 by Representatives K. Wilson, Beck, Ferguson and Sayan

AN ACT Relating to contracts or leases of tidelands, shorelands, or beds of navigable waters; and amending RCW 79.90.370.

Referred to Committee on Natural Resources & Parks.

HB 1711 by Representatives Cole, R. King, Winsley, Jacobsen, Wood, Wang, Patrick, Anderson, Wineberry, Walker and Todd

AN ACT Relating to establishing a crime prevention employee training program in businesses operating during late night hours; adding a new chapter to Title 51 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1712 by Representatives R. King, Patrick and Sprenkle

AN ACT Relating to state employee return-to-work programs; adding a new section to chapter 41.06 RCW; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Commerce & Labor.

HB 1713 by Representatives R. King and Patrick

AN ACT Relating to industrial insurance dividends and premium refunds; and amending RCW 51.16.035 and 43.88.140.

Referred to Committee on Commerce & Labor.

HB 1714 by Representatives Raiter, S. Wilson, Vekich, Bowman and Smith

AN ACT Relating to the recognition of established drift area rights on the Columbia river, and establishing a registry of drift area rights; adding new section to chapter 75.28 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Fisheries & Wildlife.

HB 1715 by Representatives Anderson, Winsley, Leonard, Wineberry, Nutley, O'Brien, Rector, Nelson and Brekke

AN ACT Relating to an inventory of publicly owned real property for affordable housing; adding a new section to chapter 43.63A RCW; adding a new section to chapter 28A.58 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.34 RCW; adding a new section to chapter 52.30 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 54.04 RCW; adding a new section to chapter 56.08 RCW; adding a new section to chapter 57.02 RCW; and creating a new section.

Referred to Committee on Housing.

HB 1716 by Representatives R. King, Vekich, Patrick and Chandler

AN ACT Relating to industrial insurance; and amending RCW 51.14.020.

Referred to Committee on Commerce & Labor.

HB 1717 by Representatives Appelwick, Van Luven and Ferguson

AN ACT Relating to the definition of sale at retail; and amending RCW 82.04.050.

Referred to Committee on Revenue.

HB 1718 by Representatives Hine, Silver, Baugher and D. Sommers; by request of Department of Retirement Systems

AN ACT Relating to the Washington state patrol; amending RCW 43.43.270; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1719 by Representatives Hine, Silver and D. Sommers; by request of Department of Retirement Systems

AN ACT Relating to disability benefit provisions for the Washington public employees' retirement system, the teachers retirement system, and the law enforcement officers' and firefighters' retirement system; amending RCW 41.26.470, 41.32.790, and 41.40.670; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1720 by Representatives Locke, Moyer, Dellwo, D. Sommers, Anderson, P. King, R. Fisher, Rector and Belcher

AN ACT Relating to historic property; amending RCW 84.26.010; and repealing RCW 84.26.140.

Referred to Committee on Revenue.

HB 1721 by Representatives Crane, Winsley, P. King and Doty

AN ACT Relating to juvenile offenders; and amending RCW 13.40.070.

Referred to Committee on Judiciary.

HB 1722 by Representatives Crane, Winsley, P. King, Locke, O'Brien and Doty

AN ACT Relating to juveniles; and amending RCW 13.40.080.

Referred to Committee on Judiciary.

HB 1723 by Representatives Prentice, Patrick, S. Wilson, Baugher, Walk, Heavey, Zellinsky, Wood, Todd, R. Fisher, Nelson, Cooper, Holland, Sayan, D. Sommers, Haugen, Anderson, H. Myers, Leonard, Winsley and Youngsman

AN ACT Relating to special license plates; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 1724 by Representatives Prentice, Patrick, S. Wilson, Baugher, Walk, Betzoff, Zellinsky, Wood, Todd, R. Fisher, Nelson, Cooper, Holland, Sayan, D. Sommers, Gallagher, Anderson, Cantwell, Leonard, Haugen and Winsley; by request of Legislative Transportation Committee

AN ACT Relating to criteria for designation of state highways; and adding a new section to chapter 47.17 RCW.

Referred to Committee on Transportation.

HB 1725 by Representatives Belcher and Sayan

AN ACT Relating to state employees' excess vacation leave; and amending RCW 43.01.044.

Referred to Committee on Appropriations.

HB 1726 by Representatives Zellinsky and P. King

AN ACT Relating to the formulas and mechanisms used to establish rates or premiums; and amending RCW 48.02.060.

Referred to Committee on Financial Institutions & Insurance.

HB 1727 by Representatives Jacobsen, Hankins, Cooper, Todd, Jones, Anderson and Nelson

AN ACT Relating to electric and natural gas utility monetary incentives for energy-efficient appliance purchases; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Energy & Utilities.

HB 1728 by Representatives Rector, Inslee, Jacobsen, H. Myers and Doty

AN ACT Relating to residency requirements; and amending RCW 28B.15.014.

Referred to Committee on Higher Education.

HB 1729 by Representatives Dellwo, Chandler, Crane and Doty; by request of Department of General Administration

AN ACT Relating to internal consistency of Title 30 RCW; and amending RCW 30.04.112, 30.12.190, and 30.22.190.

Referred to Committee on Financial Institutions & Insurance.

HB 1730 by Representatives Dellwo, Chandler and Crane; by request of Department of General Administration

AN ACT Relating to financial institutions; amending RCW 30.04.060, 30.04.075, 30.04.410, 32.04.220, and 32.32.228; adding a new section to chapter 30.12 RCW; adding a new section to chapter 32.04 RCW; adding a new section to chapter 32.16 RCW; adding a new section to chapter 32.20 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1731 by Representatives Morris, Brooks, Belcher, Phillips, Peery, H. Myers, Sprenkle, Cooper, Pruitt, Fuhrman, Braddock, P. King, Sayan, Rector, Winsley, R. King, Heavey, Brekke, Todd, Haugen and Doty; by request of Department of Social and Health Services

AN ACT Relating to adult family homes; amending RCW 74.15.010, 74.15.020, 74.15.030, 74.15.040, and 74.15.090; and creating new sections.

Referred to Committee on Health Care.

HB 1732 by Representatives R. Fisher, Sayan and McLean; by request of State Auditor

AN ACT Relating to the auditor of public accounts; and amending RCW 43.09.020.

Referred to Committee on State Government.

HB 1733 by Representatives R. Fisher and P. King; by request of Secretary of State

AN ACT Relating to charitable solicitation disclosures; and amending RCW 19.09.100.

Referred to Committee on State Government.

HB 1734 by Representatives R. Fisher, Miller, Locke, Prince, Belcher, Bowman, Heavey, Brough, Valle, Wineberry, Beck, Brumsickle, Basich, Crane, Walker, Winsley, R. King, May, Horn, Betrozoff and Todd; by request of Secretary of State

AN ACT Relating to the regulation of unfair, unscrupulous, or misleading practices in charitable solicitations; amending RCW 19.09.275; adding new sections to chapter 19.09 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on State Government.

HB 1735 by Representatives Appelwick, Locke, Wineberry, Anderson, Miller, Crane and May; by request of Administrator for the Courts

AN ACT Relating to superior court judges; amending RCW 2.08.061; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

HB 1736 by Representatives Day, Padden, Wolfe, Ferguson, Fuhrman, Dellwo, Smith, Rector, Winsley and Nealey

AN ACT Relating to fluoridation by water districts; and amending RCW 57.08.012.

Referred to Committee on Local Government.

HB 1737 by Representatives H. Sommers, Locke and Appelwick; by request of Department of Labor and Industries

AN ACT Relating to crime victims' compensation; amending RCW 7.68.020, 7.68.030, 7.68.035, 7.68.050, 7.68.060, 7.68.070, 7.68.080, 7.68.100, 7.68.075, and 3.62.090; amending section 223, chapter 7, Laws of 1987 1st ex. sess. as amended by section 218, chapter 289, Laws of 1988 (uncodified); adding new sections to chapter 7.68 RCW; repealing RCW 7.68.010; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committees on Judiciary/Appropriations.

HB 1738 by Representatives Peery, Betrozoff, G. Fisher, Holland, Cole, Walker, Rayburn, Rasmussen, Brumsickle, Moyer, D. Sommers, Ballard, Sayan, Miller, Van Luven, Winsley, May, Tate, Cantwell and Todd; by request of Superintendent of Public Instruction

AN ACT Relating to provision of local education enhancement program funds; adding new sections to Title 28A RCW; and making an appropriation.

Referred to Committees on Education/Appropriations.

HB 1739 by Representatives Peery, Betrozoff, G. Fisher, Rayburn, Valle, Cole, Holland, Rasmussen, P. King, Moyer, Miller, Van Luven, Winsley, May, Todd and Wood; by request of Superintendent of Public Instruction

AN ACT Relating to annual basic education allocation of funds; and amending RCW 28A.41.140.

Referred to Committees on Education/Appropriations.

HB 1740 by Representatives Betrozoff, Peery, G. Fisher, Rayburn, Cole, P. King, Ferguson, Miller, May, Heavey, Cantwell, Todd and Wood; by request of Superintendent of Public Instruction

AN ACT Relating to the development of student motivation, retention, and retrieval programs; amending RCW 28A.120.062 and 28A.120.064; and repealing RCW 28A.120.066.

Referred to Committees on Education/Appropriations.

HB 1741 by Representatives Betrozoff, Peery, G. Fisher, Walker, Ferguson, Miller, Winsley and Wood; by request of Superintendent of Public Instruction

AN ACT Relating to eleventh grade assessment; and amending RCW 28A.03.360.

Referred to Committee on Education.

HB 1742 by Representatives G. Fisher, Peery, P. King, Pruitt, Miller and Hine; by request of Superintendent of Public Instruction

AN ACT Relating to educational service districts; and adding a new section to chapter 28A.21 RCW.

Referred to Committees on Education/Appropriations.

HB 1743 by Representatives G. Fisher, Betrozoff, Peery, Rayburn, Miller, Winsley, R. King and May; by request of Superintendent of Public Instruction

AN ACT Relating to the substance abuse awareness program; and amending RCW 28A.120.032 and 28A.120.034.

Referred to Committee on Education.

HB 1744 by Representatives Peery, Walker, G. Fisher, Dorn, Holland, Brumsickle, Pruitt, Miller, Winsley, R. King, May, Betrozoff, Todd and Insee; by request of Superintendent of Public Instruction

AN ACT Relating to technology in education; adding a new chapter to Title 28A RCW; and making appropriations.

Referred to Committees on Education/Appropriations.

HB 1745 by Representatives Day, Padden, Dellwo, Fuhrman, Wolfe, D. Sommers, Nealey, Brooks, Prince, Moyer, Silver, Rector and School.

AN ACT Relating to establishing an interstate compact on international trade; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 1746 by Representatives Locke, Todd, Anderson and Wineberry; by request of Human Rights Commission

AN ACT Relating to discrimination in real estate transactions; amending RCW 49.60-.222; and reenacting and amending RCW 49.60.040.

Referred to Committee on Housing.

HB 1747 by Representatives R. Fisher, Belcher, McLean, Winsley, H. Sommers, P. King and Anderson; by request of Secretary of State

AN ACT Relating to the candidates' pamphlet; and amending RCW 29.80.050.

Referred to Committee on State Government.

HB 1748 by Representatives Valle, Winsley, Prentice, Leonard, Nelson, Ferguson, Holland and Jacobsen

AN ACT Relating to disposable diapers; adding a new section to chapter 70.95 RCW; adding a new chapter to Title 82 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Revenue.

HB 1749 by Representatives Belcher, Jacobsen, Winsley, R. Fisher, Cole, R. King and Todd

AN ACT Relating to the protection of ocean and coastal resources; amending RCW 90.58.160, 43.21F.045, and 90.58.030; adding a new chapter to Title 43 RCW; adding a new section to chapter 90.58 RCW; creating a new section; and making an appropriation.

Referred to Committees on Fisheries & Wildlife/Natural Resources & Parks.

HB 1750 by Representatives Dorn, Rasmussen, Pruitt, Holland, Brumsickle, Betzoff, R. Meyers, Heavey, Anderson, Ferguson, Basich, Wang and Doty

AN ACT Relating to foreign language instruction; and adding new sections to chapter 28A.125 RCW.

Referred to Committee on Education.

HB 1751 by Representatives Anderson, Winsley, Ballard, Patrick, Nutley, Wineberry, Prentice, Baugher, Holland, Locke, O'Brien, Wang, Todd and Morris

AN ACT Relating to the use by local government of forfeited real property, including use for housing; amending RCW 69.50.505; and creating a new section.

Referred to Committee on Judiciary

HB 1752 by Representatives Anderson, Jacobsen, Van Luven, Miller, Wineberry and Todd

AN ACT Relating to communications access by blind students in higher education; adding new sections to chapter 74.18 RCW; and making an appropriation.

Referred to Committees on Higher Education/Appropriations.

HB 1753 by Representatives K. Wilson, Brough, Locke, Vekich, Brooks, Sprenkle, Moyer, D. Sommers and Miller

AN ACT Relating to victims of child abuse; amending RCW 7.68.170; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1754 by Representatives Appelwick, Nelson and P. King

AN ACT Relating to community confinement of offenders; and amending RCW 9.94A.383.

Referred to Committee on Judiciary.

HB 1755 by Representatives Belcher, Winsley and H. Sommers

AN ACT Relating to the environmental hearings office; and amending RCW 43.21B-.005, 43.21B.090, 43.21B.130, 43.21B.150, 43.21B.160, 43.21B.180, and 43.21B.230.

Referred to Committee on State Government.

HB 1756 by Representatives Sprenkle, S. Wilson, Rector, Fuhrman, Hargrove, K. Wilson, Haugen, Jacobsen and Scott

AN ACT Relating to the provision of extended area service by telecommunications companies; adding new sections to chapter 80.36 RCW; and creating a new section.

Referred to Committee on Energy & Utilities.

HB 1757 by Representatives Fuhrman, Morris, Dellwo, Raiter, Cooper, Brumsickle, Grant, H. Myers, Peery, Ballard, Hankins, Smith, Rector and Nealey

AN ACT Relating to employing contracts in second class school districts; amending RCW 42.23.030; adding a new section to chapter 28A.60 RCW; and declaring an emergency.

Referred to Committee on Education.

HB 1758 by Representatives Peery, Braddock, Crane and Todd

AN ACT Relating to adult family homes; and adding a new chapter to Title 74 RCW.

Referred to Committees on Health Care/Appropriations.

HB 1759 by Representatives Peery, Betzoff, Crane and Winsley

AN ACT Relating to educational staff; adding new sections to chapter 28A.100 RCW; and making an appropriation.

Referred to Committees on Education/Appropriations.

HB 1760 by Representatives Peery, P. King, Crane, Scott and Cantwell

AN ACT Relating to at-risk children; adding new sections to chapter 28A.03 RCW; creating a new section; and making an appropriation.

Referred to Committees on Education/Appropriations.

HB 1761 by Representatives Brough, Sayan, Padden, Crane, Wood, Patrick, Hargrove, Fuhrman, Heavey, Miller, Wineberry, P. King, Bowman, Brumsickle, Moyer, Ballard, Ferguson, Wolfe, Van Luvan, Winsley, Youngsman, May, Tate, Hine, Todd, G. Fisher and Nealey

AN ACT Relating to increased penalties for the crime of promoting prostitution; amending RCW 9A.88.070; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1762 by Representatives Walker, Appelwick, Brekke, Wineberry, Winsley and Heavey; by request of Human Rights Commission

AN ACT Relating to discrimination in real estate transactions against physically disabled persons who use guide dogs; and amending RCW 49.60.222.

Referred to Committee on Human Services.

HB 1763 by Representatives Cooper, Zellinsky, Padden, Ferguson, Nutley, Todd and Anderson

AN ACT Relating to motor vehicle common carriers; adding a new section to chapter 81.80 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1764 by Representatives Cooper, Ferguson, Sayan, Nutley, Padden, Todd, Anderson and Rector

AN ACT Relating to mobile homes, commercial coaches, recreational vehicles, and factory built housing and commercial structures; adding a new section to chapter 43.22 RCW; and creating a new section.

Referred to Committee on Housing.

HB 1765 by Representatives Hine, G. Fisher, Peery, Betrozoff, Holland, Heavey, Valle, Cole, Dellwo, Pruitt, Cantwell, Todd and Spanel

AN ACT Relating to the professional educator renewal program; reenacting and amending RCW 28A.70.110; adding new sections to Title 28A RCW; and declaring an emergency.

Referred to Committee on Education.

HB 1766 by Representatives Wineberry, R. Fisher, Leonard, Anderson and Nelson

AN ACT Relating to voter registration; amending RCW 29.07.065, 29.07.080, and 29.07.160; and adding new sections to chapter 29.07 RCW.

Referred to Committee on State Government.

HB 1767 by Representatives Van Luvan, Hargrove, Padden, Crane, P. King, Patrick and Schmidt

AN ACT Relating to recovery of certain fees and costs against the state; and adding new sections to chapter 4.84 RCW.

Referred to Committees on Judiciary/Appropriations.

HB 1768 by Representatives Todd and Nutley; by request of Department of Community Development

AN ACT Relating to state fees imposed on building permits; amending RCW 19.27-.085; and making an appropriation.

Referred to Committee on Housing.

HB 1769 by Representatives Fraser, Jacobsen, Heavey, H. Myers, Inslee, Prince, Wood, Jesernig, Spanel, Ebersole, Rector, Van Luven and Schoon

AN ACT Relating to institutions of higher education; amending RCW 28B.15.014; adding a new section to chapter 28B.15 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1770 by Representatives Haugen, S. Wilson, Fuhrman, Fraser, Jones and Spanel

AN ACT Relating to the ecological commission; amending RCW 43.21A.170, 43.21A-.180, and 43.21A.190; and creating a new section.

Referred to Committee on State Government.

HB 1771 by Representatives Fraser, Cooper and Wood

AN ACT Relating to applications for current use classifications of property; and amending RCW 84.34.030.

Referred to Committee on Local Government.

HB 1772 by Representatives Spanel, S. Wilson, Haugen and R. King; by request of Department of Fisheries

AN ACT Relating to renaming and defining certain species of fish; and amending RCW 75.08.011 and 77.08.020.

Referred to Committee on Fisheries & Wildlife.

HB 1773 by Representatives Prentice, Appelwick, Patrick, Vekich, Anderson and Inslee; by request of Attorney General

AN ACT Relating to immigration consultants; adding a new chapter to Title 19 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1774 by Representatives Locke, Hargrove, Patrick, Zellinsky, McLean, Haugen, Doty, Scott, Rayburn, Brooks, Baugher and Ferguson

AN ACT Relating to duties of operators and users of commercial ski areas; amending RCW 70.117.010, 70.117.020, and 70.117.030; adding new sections to chapter 70.117 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1775 by Representatives Leonard and Patrick; by request of Washington Horse Racing Commission

AN ACT Relating to disposition of gross receipts and fees; and reenacting and amending RCW 67.16.100.

Referred to Committee on Commerce & Labor.

HB 1776 by Representative Hine; by request of Office of Financial Management

AN ACT Relating to the volunteer firefighters' administrative fund; amending RCW 41.24.030; adding a new section to chapter 41.24 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1777 by Representatives Leonard, P. King, Pruitt, Sayan, R. King, Todd and Raiter; by request of Department of Social and Health Services

AN ACT Relating to child welfare services; and amending RCW 13.32A.150, 13.32A-.160, 13.32A.170, 13.32A.175, 13.32A.250, 13.32A.190, and 28A.87.120.

Referred to Committee on Human Services.

HB 1778 by Representatives Holland, Wang, Horn, Morris, Silver, Hine, Brumsickle, Prince, Van Luven, H. Sommers, Fuhrman, Jacobsen,

Locke, Bowman, Ferguson, Rector, Youngsman, May, Schoon and Hargrove

AN ACT Relating to the business and occupation tax on nonprofit trade and professional organizations for convention, educational seminar, and trade show registration income; amending RCW 82.04.4282; adding a new section to chapter 82.04 RCW; and declaring an emergency.

Referred to Committee on Revenue.

HB 1779 by Representatives Holland, Jacobsen, Silver, Rust, Brough, Morris, Brumsickle, Prentice, Hine, Prince, Van Luven, H. Sommers, Fuhrman, Locke, O'Brien, Ferguson, Dellwo, Rector, Youngsman, May and Brekke

AN ACT Relating to bazaars and rummage sales; amending RCW 82.04.365; and declaring an emergency.

Referred to Committee on Revenue.

HB 1780 by Representatives R. King, Ferguson, Nealey and Rasmussen

AN ACT Relating to food fish and the department of fisheries issuing a hydraulic permit for residential property; and amending RCW 75.20.100.

Referred to Committee on Fisheries & Wildlife.

HB 1781 by Representatives Nelson and Sprenkle

AN ACT Relating to the motor vehicle excise tax and vehicle fuel economy; and amending RCW 82.44.010 and 82.44.020.

Referred to Committee on Transportation.

HB 1782 by Representatives Nelson and Sprenkle

AN ACT Relating to a retail sales tax to encourage purchase of fuel-efficient vehicles; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Revenue.

HB 1783 by Representative Nelson

AN ACT Relating to fees charged for connecting customers for electrical services; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Energy & Utilities.

HB 1784 by Representatives Crane, Brough, P. King, Van Luven, Zellinsky, Wang and Jacobsen

AN ACT Relating to the containment of waste materials; and amending RCW 46.61.655.

Referred to Committee on Transportation.

HB 1785 by Representatives Brumsickle, Dorn, Holland, Scott, Silver, G. Fisher, Tate, Moyer, Schmidt, Phillips, Basich, Bowman, Horn, Raiter, Beck, D. Sommers, Bailard, Wolfe, Miller, Rector, Brough, Van Luven, May and Wood

AN ACT Relating to the regulation of anabolic steroids; adding a new chapter to Title 9 RCW; and prescribing penalties.

Referred to Committee on Health Care.

HB 1786 by Representatives R. Meyers and Morris

AN ACT Relating to automobile insurance rate reductions; adding a new section to chapter 48.19 RCW; adding a new section to chapter 43.24 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1787 by Representatives H. Sommers, Schoon and Jacobsen

AN ACT Adopting the capital budget; making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; and declaring an emergency.

Referred to Committee on Capital Facilities & Financing.

HB 1788 by Representatives Wang, Brough, Ebersole, Walker, Walk, Tate, R. Fisher, Winsley, Locke, Dorn, R. Meyers, Dellwo, Pruitt, Belcher, Crane, Rasmussen and Schoon; by request of Department of Community Development

AN ACT Relating to the Puyallup tribe of Indians claims settlement; adding a new section to chapter 35.43 RCW; adding a new section to chapter 36.32 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1789 by Representatives Nelson, Rust, Sprenkle and Pruitt; by request of Department of Ecology

AN ACT Relating to the imposition of services charges at facilities handling mixed wastes; amending RCW 70.105.010; adding a new section to chapter 70.105 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Energy & Utilities.

HB 1790 by Representatives Anderson, R. Fisher and Hine; by request of Secretary of State

AN ACT Relating to ballot titles of state and local measures; and amending RCW 29.27.050, 29.27.060, 29.27.065, and 29.27.067.

Referred to Committee on State Government.

HB 1791 by Representatives Chandler, Dellwo and Day; by request of Insurance Commissioner

AN ACT Relating to industrial insurance funds; and amending RCW 51.44.070 and 51.44.080.

Referred to Committee on Financial Institutions & Insurance.

HB 1792 by Representatives Todd, Cooper, Phillips, Nelson, R. Meyers, Bowman, Pruitt and Sprenkle; by request of Attorney General

AN ACT Relating to telephone solicitation; amending RCW 9A.82.010 and 63.14.154; adding a new chapter to Title 19 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Energy & Utilities.

HB 1793 by Representatives Ebersole, Appelwick, Patrick, Wolfe, Haugen, Tate, Crane, Ballard, Brekke, Bowman, Sayan, Brumsickle, Walk, Wood, Dorn, Horn, Valle, Youngsman, Wang, McLean, Cantwell, Basich, Day, Brough, R. Meyers, Rayburn, Moyer, Peery, Winsley, Rasmussen, May, R. Fisher, Holland, Sprenkle, Miller, Rector, S. Wilson, Baugher, Chandler, Cooper, Schmidt, Raiter, Betzoff, Pruitt, Walker, H. Myers, Nealey, Heavey, Brooks, Ferguson, Padden, Doty, Fuhrman, Van Luvén, Silver, D. Sommers, Beck, Spanel, Dellwo, Scott, Inslee, Todd, Morris, K. Wilson, Gallagher, Prince, P. King, O'Brien, Jones, Smith, Hine and G. Fisher

AN ACT Relating to alcohol and controlled substances abuse; amending RCW 9.94A.310, 69.50.401, 9A.36.050, 10.95.020, 72.02.200, 13.40.030, 13.40.265, 46.20.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, 9.73.090, 69.50.101, 69.50.505, 5.62.020, 18.83.110, 70.96A.020, 70.96A.120, 70.96A.140, 66.24.210, 66.24.290, 82.08.150, 82.24.020, and 82.26.020; reenacting and amending RCW 9.94A.320, 9.94A.360, 9.94A.120, and 5.60.060; adding new sections to chapter 9.73 RCW; adding a new section to chapter 9A.36 RCW; adding a new section to chapter 9A.82 RCW; adding a new chapter to Title 10 RCW; adding a new section to chapter 13.40 RCW; adding new sections to chapter 28A.120 RCW; adding new sections to chapter 36.27 RCW; adding a new chapter to Title 43 RCW; adding a new section to chapter 66.08 RCW; adding new sections to chapter 66.28 RCW; adding new sections to chapter 69.50 RCW; adding a new chapter to Title 72 RCW; adding a new section to

chapter 82.02 RCW; creating new sections; prescribing penalties; making appropriations; providing expiration dates; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1794 by Representatives H. Sommers, Schoon and Bristow; by request of State Treasurer

AN ACT Relating to public contracts; amending RCW 39.42.060; adding a new section to chapter 28B.10 RCW; and adding a new chapter to Title 39 RCW.

Referred to Committee on Capital Facilities & Financing.

HJM 4007 by Representatives Padden, Day, Fuhrman, Dellwo, D. Sommers, Wolfe, Nealey, Brooks, Prince; Moyer, Silver, Rector and Schoon

Requesting Idaho and Oregon to enter into trade compact.

Referred to Committee on Trade & Economic Development.

HJM 4008 by Representatives Fuhrman, Sprenkle, Padden, Valle, Chandler, Pruitt, D. Sommers, Leonard, Schoon, Rasmussen, Ballard, Heavey, Moyer, Dorn, Cole, Hargrove, Nelson, Nealey, Ferguson, Beck, Patrick, Crane, Tate, K. Wilson, Betzoff, Jacobsen, Rector, Todd, Wood, Morris, Anderson, Dellwo, Brumsickle, Brekke, Rafter, Wineberry, Spanel, Phillips, Rust, G. Fisher, Silver, Wolfe, Prentice, Bowman, Basich, Brough, Walker, Youngsman, Scott and May

Requesting that Congress prohibit alcoholic beverage commercials on television.

Referred to Committee on State Government.

SSB 5039 by Committee on Law & Justice (originally sponsored by Senators Hayner, Niemi, Thorsness and Nelson; by request of Department of Corrections)

Limiting the method of execution to lethal injection.

Referred to Committee on Judiciary.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

February 1, 1989

HB 1024 Prime Sponsor, Representative Appelwick: Notifying victims and witnesses of sex offenses of escape, release, or furlough of inmates. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Luvan and Wineberry.

Absent: Representatives Brough, Van Luvan and Wineberry.

Passed to Committee on Rules for second reading.

January 31, 1989

HB 1041 Prime Sponsor, Representative Baugher: Requiring motor vehicle insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Chandler, Crane, Day, Inslee, P. King, Nutley, Schmidt, K. Wilson and Winsley.

Absent: Representative Dorn.

Passed to Committee on Rules for second reading.

February 1, 1989

HB 1043 Prime Sponsor, Representative Inslee: Providing a procedure for unclaimed property in the hands of the Washington state patrol. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Luven and Wineberry.

Absent: Representative Wineberry.

Referred to Committee on Transportation.

February 1, 1989

HB 1044 Prime Sponsor, Representative Inslee: Revising provisions for the criminal identification system. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Luven and Wineberry.

Absent: Representative Hargrove.

Passed to Committee on Rules for second reading.

February 1, 1989

HB 1073 Prime Sponsor, Representative Vekich: Extending industrial welfare laws for agricultural labor. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 8, strike the remainder of section 1 and insert "and minors in the employ of a parent or step-parent in agricultural labor as defined in RCW 50.04.150 (~~as now or hereafter amended~~)."

On page 1, following line 9, insert:

"NEW SECTION, Sec. 2. A new section is added to chapter 49.12 RCW to read as follows:

Nothing in this chapter shall authorize the department to adopt rules requiring employees in agricultural labor as defined in RCW 50.04.150 to receive instruction in weight lifting techniques. The department shall develop a poster illustrating correct lifting techniques that shall be made available to agricultural employers. The poster shall be displayed by the employer as required under rules adopted by the department."

Renumber any remaining sections consecutively.

On page 1, following line 9, insert:

"Sec. 2. Section 14, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.050 are each amended to read as follows:

Every employer shall keep a record of the names of all employees employed by him, and shall on request permit the committee or any of its members or authorized representatives to inspect such record. Nothing in this section shall authorize the department to require an employer to keep the records more than three years."

Renumber any remaining sections consecutively.

On page 1, line 1 of the title, after "labor;" strike the remainder of the title and insert "amending RCW 49.12.185; and adding a new section to chapter 49.12 RCW."

On page 1, line 1 of the title, after "labor;" strike the remainder of the title and insert "amending RCW 49.12.185 and 49.12.050."

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Smith and Wolfe.

Absent: Representative O'Brien.

Referred to Committee on Appropriations.

February 1, 1989

HB 1077 Prime Sponsor, Representative Ebersole: Modifying requirements for curb ramps for handicapped persons. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 7 strike "of curbs on any county, city, or town street, or any connecting street or town road" and insert "~~((of curbs))~~ on any county road, or city((:)) or town street, ~~((or any connecting street or town road))"~~

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representatives Raiter and Zellinsky.

Passed to Committee on Rules for second reading.

January 31, 1989

HB 1086 Prime Sponsor, Representative Ferguson: Regulating underground storage tanks. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brøkke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprenkle, Van Luven and Walker.

Referred to Committee on Revenue.

February 2, 1989

HB 1110 Prime Sponsor, Representative O'Brien: Changing the section relating to ballot pages and the placement of candidates' names. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Rector and Sayan.

Absent: Representatives Morris, O'Brien and Silver.

Passed to Committee on Rules for second reading.

February 1, 1989

HB 1119 Prime Sponsor, Representative Locke: Requiring testing and certification of English language interpreters in courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Belcher, Brough, Dellwo, Hargrove, Moyer, Patrick, Schmidt, Tate, Van Luven and Wineberry.

Passed to Committee on Rules for second reading.

February 1, 1989

HB 1158 Prime Sponsor, Representative Holland: Repealing the expiration of the Washington school directors' association. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Schoon and Valle.

Absent: Representative Rasmussen.

Passed to Committee on Rules for second reading.

January 31, 1989

HB 1161 Prime Sponsor, Representative Ferguson: Preserving documents recorded with the county auditors. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Passed to Committee on Rules for second reading.

February 2, 1989

HB 1162 Prime Sponsor, Representative Hine: Changing provisions relating to cities annexed by fire protection districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wood and Zellinsky.

Absent: Representatives Todd and Wolfe.

Passed to Committee on Rules for second reading.

February 2, 1989

HB 1163 Prime Sponsor, Representative Haugen: Modifying the time period applying to filing of claims against noncharter cities and towns. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wood and Zellinsky.

Absent: Representatives Todd and Wolfe.

Passed to Committee on Rules for second reading.

February 2, 1989

HB 1205 Prime Sponsor, Representative Sayan: Recording of honorable discharges. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wood and Zellinsky.

Absent: Representatives Todd and Wolfe.

Passed to Committee on Rules for second reading.

February 1, 1989

HB 1215 Prime Sponsor, Representative Appelwick: Discusses variable interest rates in relation to the uniform commercial code. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Insee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Luven and Wineberry.

Absent: Representatives Van Luven and Wineberry.

Passed to Committee on Rules for second reading.

February 2, 1989

HB 1229 Prime Sponsor, Representative Haugen: Authorizing advertising in department of wildlife publications. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 8 strike "print. Printing" and insert "publish. Publication"

On page 1, line 9 after "of" strike "printing" and insert "publication and to make funds available to manage the state's fish and wildlife"

On page 2, line 13 after "fee" strike all material through "circulation" on line 14 and insert "for such advertising"

On page 2, line 18 strike "advertising fees and"

On page 2, line 20 after "department" strike "and shall deposit them" and insert "~~((and shall deposit them))~~ . Those moneys, and advertising fees collected by the director, shall be deposited"

Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Haugen, Smith, Spanel and Vekich.

Absent: Representatives Morris, Vice Chair; S. Wilson, Ranking Republican Member; and Vekich.

Passed to Committee on Rules for second reading.

February 2, 1989

HB 1231 Prime Sponsor, Representative R. King: Modifying procedures regarding disposal of skins and furs. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 14 after "director," strike "~~Proceeds from the sales shall be deposited in the state treasury to be credited to the state wildlife fund.~~" and insert ") Proceeds from the sales of skins and furs shall be deposited in the state treasury to be credited to the state wildlife fund."

Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Haugen, Smith, Spanel and Vekich.

Absent: Representatives Morris, Vice Chair; S. Wilson, Ranking Republican Member; and Vekich.

Passed to Committee on Rules for second reading.

February 1, 1989

HB 1258 Prime Sponsor, Representative Scott: Making assaults on law enforcement personnel third degree assault. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Insee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Loven and Wineberry.

Absent: Representative Scott.

Passed to Committee on Rules for second reading.

February 1, 1989

HB 1262 Prime Sponsor, Representative Vekich: Appropriating funds to the public works administration account. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 2, beginning on line 7 following "sum of" strike all material through "twenty-five" on line 8 and insert "one million four hundred and fifty-one thousand four hundred"

On page 2, line 12 following "act." insert "However, if this act takes effect prior to September 1, 1989, then the amount of the appropriation in an appropriations act adopted before July 1, 1989, for the employment standards, apprenticeship, and crime victims division of the department of labor and industries shall be reduced by seven hundred and twenty-three thousand dollars."

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representative O'Brien.

Referred to Committee on Appropriations.

January 31, 1989

HB 1278 Prime Sponsor, Representative G. Fisher: Expanding membership of the transportation improvement board. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Wood, Assistant Ranking Republican Member; Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Prentice and Todd.

MINORITY recommendation: Do not pass. Signed by Representatives Schmidt, Ranking Republican Member; Hankins, Smith, D. Sommers, Walker and S. Wilson.

Voting nay: Representatives Schmidt, Ranking Republican Member; Betzoff, Hankins, Patrick, Smith, D. Sommers, Walker and S. Wilson.

Absent: Representatives Prince and Zellinsky.

Passed to Committee on Rules for second reading.

January 31, 1989

HB 1373 Prime Sponsor, Representative Wang: Providing for appointment of mental health commissioners. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Loven and Wineberry.

Passed to Committee on Rules for second reading.

January 31, 1989

HB 1437 Prime Sponsor, Representative Todd: Changing the criteria for determining priority for urban arterial improvement projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Smith, D. Sommers, Todd and Walker.

Voting nay: Representative S. Wilson.

Absent: Representatives R. Meyers, Prince, Smith and Zellinsky.

Passed to Committee on Rules for second reading.

January 31, 1989

HB 1438 Prime Sponsor, Representative Todd: Increasing public transportation reporting requirements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 13, after "systems" insert ", including contracted transportation services and dial-a-ride services."

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Smith, D. Sommers, Todd, Walker and S. Wilson.

Absent: Representatives Jones, R. Meyers, Prince, Smith and Zellinsky.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Ebersole, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced that the House would begin consideration of bills on the suspension calendar.

HOUSE BILL NO. 1025, by Representatives R. King, Sayan, S. Wilson, Haugen, Basich and Spanel; by request of Department of Fisheries

Changing standards for commercial fishing licenses.

The bill was read the second time.

Mr. R. King moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. R. King spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1025.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1025, and the bill passed the House by the following vote: Yeas, 89; absent, 5; excused, 4.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 89.

Absent: Representatives Appelwick, Betzoff, Morris, Raiter, Vekich - 5.

Excused: Representatives Bristow, O'Brien, Peery, Wineberry - 4.

House Bill No. 1025, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENTS FOR THE JOURNAL

Please record my vote as "Yes" on House Bill No. 1025.

JOHN W. BETZOFF, 45th District.

I was excused from session on Friday, February 3, 1989; however, the vote on final passage of House Bill No. 1025 indicates that I voted. Apparently, my voting machine was inadvertently turned on. I would appreciate it if this error is corrected on the permanent record.

JEAN SILVER, 5th District.

The Speaker declared the House to be at ease until 11:00 a.m.

The Speaker called the House to order at 11:00 a.m.

Representatives Appelwick, Betzoff, Bristow, Morris, Raiter and Vekich appeared at the bar of the House.

HOUSE BILL NO. 1027, by Representatives R. King, Sayan, S. Wilson, Haugen, Basich and Spanel; by request of Department of Fisheries

Clarifying the authority of the director of fisheries.

The bill was read the second time.

Mr. Heavey moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. R. King spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1027.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1027, and the bill passed the House by the following vote: Yeas, 93; absent, 1; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Leonard - 1.

Excused: Representatives O'Brien, Peery, Silver, Wineberry - 4.

House Bill No. 1027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1035, by Representatives Haugen, S. Wilson, Anderson, May, McLean, Winsley, Wineberry and Morris

Providing additional qualifications for precinct election officers.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Haugen spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1035.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1035, and the bill passed the House by the following vote: Yeas, 93; absent, 1; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Betzoff - 1.

Excused: Representatives O'Brien, Peery, Silver, Wineberry - 4.

House Bill No. 1035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1038, by Representatives Haugen, S. Wilson, Cooper, May, Leonard, Horn, Nutley, Ferguson, Jones and D. Sommers

Changing provisions relating to county legislative authority meetings.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Cooper spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1038.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1038, and the bill passed the House by the following vote: Yeas, 93; absent, 1; excused, 4.

Voting yea: Representatives Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Anderson - 1.

Excused: Representatives O'Brien, Peery, Silver, Wineberry - 4.

House Bill No. 1038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

It was my intention to vote "Aye" on final passage of House Bill No. 1038.

CALVIN B. ANDERSON, 43rd District.

HOUSE BILL NO. 1060, by Representatives Cooper, Ferguson and Haugen; by request of Department of Community Development

Revising provisions on issuing state and local government bonds.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Cooper and Ferguson spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1060.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1060, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives O'Brien, Peery, Silver, Wineberry - 4.

House Bill No. 1060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1106, by Representatives Haugen, Ferguson, Cooper, Crane, Nealey and Phillips; by request of State Auditor

Changing the year end fiscal report requirement.

The bill was read the second time.

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

The Speaker stated the question before the House to be the final passage of House Bill No. 1106.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1106, and the bill passed the House by the following vote: Yeas, 92; absent, 2; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell,

Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Dorn, Rust - 2.

Excused: Representatives O'Brien, Peery, Silver, Wineberry - 4.

House Bill No. 1106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I inadvertently failed to vote on House Bill No. 1106 because I was preparing to speak on the next bill. I request that it be entered into the Journal that my vote would have been "Aye."

NANCY S. RUST, 1st District.

HOUSE BILL NO. 1182, by Representatives Rust, D. Sommers, G. Fisher, Fraser and Phillips; by request of Director of Ecology

Revising local government roles in hazardous waste siting.

The bill was read the second time.

Ms. Rust moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Rust spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1182.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1182, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives O'Brien, Peery, Silver, Wineberry - 4.

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

HOUSE BILL NO. 1222, by Representatives G. Fisher, D. Sommers, Rust, Fraser, Pruitt, Hine, Winsley, May, Phillips, Spanel, Cooper and Ebersole; by request of Department of Ecology and Washington State Patrol

Providing for containment of waste.

The bill was read the second time.

Ms. Rust moved that the committee recommendation be adopted (For committee amendment, see Journal, 19th Day, January 17, 1989;) and the bill be advanced to third reading. Ms. Rust spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1222.

Mr. G. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1222, and the bill passed the House by the following vote: Yeas, 90; nays, 3; absent, 1; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Baugher, Cole, Meyers R - 3.

Absent: Representative Wolfe - 1.

Excused: Representatives O'Brien, Peery, Silver, Wineberry - 4.

Engrossed House Bill No. 1222, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1270, by Representatives Vekich, Patrick, Walker, Cole, Leonard and Winsley

Providing an exception to the definition of sale for purposes of making a gift of liquor by private parties.

The bill was read the second time.

Mr. Vekich moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Vekich spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1270.

Mr. S. Wilson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1270, and the bill passed the House by the following vote: Yeas, 93; absent, 1; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Phillips, Prentice, Prince, Pruitt, Raiter, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Rasmussen - 1.

Excused: Representatives O'Brien, Peery, Silver, Wineberry - 4.

House Bill No. 1270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1289, by Representatives Cole, Patrick, Vekich, Leonard, Walker, Jones, Wolfe, Prentice and Smith

Modifying business entertainment practices of liquor importers, wholesalers, or manufacturers.

The bill was read the second time.

Mr. Vekich moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Vekich and Patrick spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1289.

Representatives Cole and Wang spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1289, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives O'Brien, Peery, Silver, Wineberry - 4.

House Bill No. 1289, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE JOINT RESOLUTION NO. 4200, by Representatives Haugen, Ferguson, Winsley, May, Rayburn, P. King, Cooper and Jones

Amending the Constitution to provide an alternative method for the framing of a county charter.

The resolution was read the second time.

Mr. Cooper moved that the committee recommendation be adopted (For committee amendment, see Journal, 19th Day, January 27, 1989.) and the resolution be advanced to third reading. Mr. Cooper spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Joint Resolution No. 4200.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Resolution No. 4200, and the resolution passed the House by the following vote: Yeas, 90; nays, 3; absent, 1; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Patrick, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 90.

Voting nay: Representatives Chandler, Holland, Padden - 3.

Absent: Mr. Speaker - 1.

Excused: Representatives O'Brien, Peery, Silver, Wineberry - 4.

Engrossed House Joint Resolution No. 4200, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Joint Memorial No. 4000 on the regular calendar. The motion was carried.

HOUSE JOINT MEMORIAL NO. 4000, by Representatives Nelson, Hankins, Rust, Fuhrman, Jesernig, Schoon, Miller and Gallagher

Memorializing Hanford as a national energy center.

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

Representatives Nelson and Hankins spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4000, and the memorial passed the House by the following vote: Yeas, 94; excused, 4.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives O'Brien, Peery, Silver, Wineberry - 4.

House Joint Memorial No. 4000, having received the constitutional majority, was declared passed.

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

INTRODUCTION AND FIRST READING

HB 1795 by Representatives Dellwo, Chandler and Nutley; by request of Insurance Commissioner

AN ACT Relating to the Washington health guaranty association; and adding a new chapter to Title 48 RCW.

Referred to Committee on Financial Institutions & Insurance.

The Speaker referred the bill on today's supplemental introduction sheet under the fourth order of business to the committee so designated.

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

MOTIONS

On motion of Mr. Ebersole, House Bill No. 1445 was referred from Committee on Appropriations to Committee on Rules

On motion of Mr. Ebersole, House Bill No. 1651 was referred from Committee on Environmental Affairs to Committee on Local Government.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4610, by Representatives Basich, S. Wilson, Vekich, D. Sommers, Sayan, Ballard, Hargrove, Rust, Brough, Jones and Valle

WHEREAS, On December 22, 1988, a barge off the Washington coast was ruptured and over 100,000 gallons of petroleum product was spilled into the waters of the Pacific Ocean west of Grays Harbor; and

WHEREAS, Thousands of marine birds came in contact with the spilled oil which covered their feathers, and the results were loss of insulation, internal complications and sometimes death; and

WHEREAS, It has been shown that measures can be taken to clean birds and, if they are reached in time, return them to good health; and

WHEREAS, More than fifteen hundred residents of Washington responded to the plight of the oiled birds and volunteered to assist in cleaning the birds and restoring them to health; and

WHEREAS, The volunteers worked up to sixteen hours a day during and after the Christmas holidays to search for, feed and wash the oiled birds and to provide support services; and

WHEREAS, The cities of Ocean Shores and Hoquiam donated the use of facilities and hundreds of citizens and corporations donated food, housing and supplies;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of Washington State recognize and thank the thousands of volunteers who so generously donated their time and services to this humanitarian effort; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize and thank the cities of Ocean Shores and Hoquiam and the hundreds of citizens and corporations who donated food, housing and supplies.

Mr. Basich moved adoption of the resolution and spoke in favor of it.

The Speaker called on Mr. R. King to preside.

Representatives Jones and May spoke in favor of the resolution.

House Floor Resolution No. 89-4610 was adopted.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Monday, February 6, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

TWENTY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, February 6, 1989

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Appelwick, R. Fisher, O'Brien, and Rector. On motion of Ms. Cole, Representatives Appelwick, R. Fisher, O'Brien and Rector were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Arianna Brooke and Karla Kane. Prayer was offered by Sister Georgette Bayless, Director of Chaplains, St. Peter Hospital of Olympia.

MOTION

On motion of Ms. Miller, Representative Schoon was excused.

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

MESSAGE FROM THE SENATE

February 3, 1989

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8405,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 1796 by Representatives Leonard, Hankins, Day, Prince, Braddock, Fuhrman, Wang, Morris, Beck, Baugher, Ebersole, Dorn, Appelwick, Rayburn, Nutley, Brekke, Scott, K. Wilson, Todd, Dellwo, Vekich, Smith, Bowman, Raiter, Basich, P. King, Brumsickle, Silver, Nealey, Winsley, Peery, Wineberry and Wood

AN ACT Relating to optometry; amending RCW 18.53.010, 18.53.140, and 69.41.010; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Health Care.

HB 1797 by Representatives Todd, Nutley, Cooper, Cantwell, Nelson, Brough and Rasmussen

AN ACT Relating to applying the mobile home landlord-tenant act to individual lots; amending RCW 59.20.030, 59.20.040, 59.20.050, 59.20.060, 59.20.070, 59.20.074, 59.20.080, 59.20.130, and 59.20.220; and declaring an emergency.

Referred to Committee on Housing.

HB 1798 by Representative Walk

AN ACT Relating to notice of materialmen's liens; and amending RCW 60.04.020.

Referred to Committee on Judiciary.

HB 1799 by Representatives Cooper and Ferguson

AN ACT Relating to the platting of real property; amending RCW 58.17.205 and 58.17.255; and reenacting and amending RCW 58.17.040 and 58.17.060.

Referred to Committee on Local Government.

HB 1800 by Representatives Padden and Wolfe

AN ACT Relating to public transportation; and adding a new chapter to Title 47 RCW.
Referred to Committee on Transportation.

HB 1801 by Representative Sayan

AN ACT Relating to leasehold excise taxes; and amending RCW 82.29A.020, 82.29A-.130, and 82.29A.060.

Referred to Committee on Revenue.

HB 1802 by Representatives P. King and Scott

AN ACT Relating to the court of appeals; amending RCW 2.06.020; and adding a new section to chapter 2.06 RCW.

Referred to Committees on Judiciary/Appropriations.

HB 1803 by Representatives D. Sommers, Heavey, Hargrove, Padden, Sprenkle, Ferguson, Walker, Moyer, McLean, Beck, Schoon, Van Luven, May, Baugher, Brumsickle, Kremen, Wineberry, Miller, Horn, P. King, Tate, Doty, Youngsman, Wood and Todd

AN ACT Relating to funding for drug abuse prevention education; adding a new section to chapter 9.92 RCW; adding a new section to chapter 13.40 RCW; adding a new section to chapter 43.08 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1804 by Representatives P. King, Fuhrman and K. Wilson

AN ACT Relating to reckless, negligent, and inattentive driving; amending RCW 46.61.500 and 46.61.525; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1805 by Representatives Todd, Anderson, Cooper, Phillips, Nutley, Brekke, Cole, Rector, Dellwo and Nelson

AN ACT Relating to property tax exemptions for residential structures at least twenty percent of which is set aside for occupancy by low-income persons; and adding a new chapter to Title 84 RCW.

Referred to Committees on Housing/Revenue.

HB 1806 by Representatives Braddock, Patrick, Jacobsen, Belcher, Hine, Brough, G. Fisher, Hankins, Brekke, Appelwick, Jones, Wineberry and Nelson

AN ACT Relating to constraint of trade for dental hygiene services; adding a new section to chapter 18.29 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1807 by Representatives Bristow, Winsley, Sayan, Leonard, Padden, Braddock, Brekke, H. Sommers, Fuhrman, Miller, McLean and Todd

AN ACT Relating to the operational standards for juvenile detention facilities; amending RCW 13.04.035; and adding a new section to chapter 13.40 RCW.

Referred to Committee on Human Services.

HB 1808 by Representatives Vekich and Patrick

AN ACT Relating to electrical installations; and adding a new section to chapter 19.28 RCW.

Referred to Committee on Commerce & Labor.

HB 1809 by Representatives Nealey, Bristow, Prince, Fuhrman, Miller, Doty, McLean and Youngsman

AN ACT Relating to elections; and amending RCW 29.13.047.

Referred to Committee on State Government.

HB 1810 by Representatives Morris, Holland and Wang

AN ACT Relating to tax administration and procedure; amending RCW 39.88.060, 58.08.040, 79.94.210, 82.03.130, 82.03.190, 84.08.130, 84.09.035, 84.34.065, 84.36.470, 84.36.850, 84.48.010, 84.48.065, 84.52.018, 84.52.080, 84.69.020, 84.69.060, 82.32.050, 82.32.060, 82.32.100, 82.32.160, 82.32.180, 82.36.040, 82.48.090, 82.50.170, 84.24.070, 84.68.030, 84.68.050, 84.68.070, 84.68.140, 84.69.030, 84.69.120, 84.69.140, 84.34.108, 84.52.043, and 84.64.050; reenacting and amending RCW 84.09.030; adding a new section to chapter 84.04 RCW; repealing RCW 84.09.080, 84.36.475, and 84.52.015; and providing an effective date.

Referred to Committee on Revenue.

HB 1811 by Representatives Jacobsen, Anderson, Van Luven and Ferguson

AN ACT Relating to the community college instructional improvement program; and adding new sections to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

HB 1812 by Representatives Locke, Nelson and Wineberry

AN ACT Relating to relocation assistance for tenants; amending RCW 82.02.020; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Housing.

HB 1813 by Representatives Jones, Walk, S. Wilson, Hargrove, D. Sommers, R. Fisher, Beck, Cole, Moyer, McLean, Sayan, Todd, Crane, Brekke, Locke, Jacobsen, Braddock, H. Sommers, Wineberry, Valle, Heavey, Cooper, Wood, Nelson, Hankins, Haugen, G. Fisher, Day, Zellinsky, Baugher, Smith, R. Meyers, Walker, Gallagher, Cantwell, Prentice, Winsley, May, Pruitt, Scott, Brumsickle, Miller, P. King, Spanel and K. Wilson

AN ACT Relating to railroad abandonment; and adding new sections to chapter 47.76 RCW.

Referred to Committee on Transportation.

HB 1814 by Representatives Phillips, Wineberry, Peery, Betrozoff, Walker, G. Fisher, Holland, Valle, Ebersole, Winsley, Anderson, Wang, Locke, O'Brien, Miller, Nelson and Leonard

AN ACT Relating to education; adding new sections to chapter 28A.71 RCW; and making an appropriation.

Referred to Committees on Education/Appropriations.

HB 1815 by Representatives Nelson, Bristow, Doty, Nealey, Cantwell, Rector, Ferguson, Sayan, Schoon, Wineberry, Moyer, Phillips, Locke, Ebersole, Winsley, Brekke, Crane, Dellwo, P. King, Inslee, Prince, Rayburn and Rasmussen

AN ACT Relating to state-facilitated urban and rural community cooperation in economic development; adding new sections to chapter 43.31 RCW; creating a new section; and making an appropriation.

Referred to Committee on Trade & Economic Development.

HB 1816 by Representatives H. Sommers, Cole, R. Fisher and Winsley

AN ACT Relating to sureties for public works bonds; and amending RCW 39.08.010.

Referred to Committee on Capital Facilities & Financing.

HB 1817 by Representatives R. Fisher and P. King

AN ACT Relating to financial solicitations, expenditures, and disclosures by nonprofit organizations; amending RCW 42.17.020, 42.17.100, and 19.09.100; and adding a new section to chapter 19.09 RCW.

Referred to Committee on State Government.

HB 1818 by Representatives Braddock, Patrick, Leonard, D. Sommers, Jacobsen, Walker, Winsley, Scott, O'Brien, Kremen, Miller and Tate

AN ACT Relating to dental benefits for retired police officers and fire fighters; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Health Care.

HB 1819 by Representatives Spanel, Sprenkle, Haugen, Braddock, Ferguson and Vekich

AN ACT Relating to port districts; amending RCW 53.12.010, 53.12.130, and 53.12.120; adding new sections to chapter 53.12 RCW; adding a new section to chapter 53.04 RCW; creating a new section; and repealing RCW 53.12.020, 53.12.035, 53.12.040, 53.12.044, 53.12.050, 53.12.055, 53.12.057, 53.12.060, 53.12.160, 53.12.172, 53.12.180, 53.12.190, 53.12.200, 53.12.210, and 53.12.220.

Referred to Committee on State Government.

HB 1820 by Representatives Spanel, Sprenkle, Braddock, Haugen, Vekich, Baugher and Ferguson

AN ACT Relating to port districts; amending RCW 53.12.130; and adding a new section to chapter 53.12 RCW.

Referred to Committee on State Government.

HB 1821 by Representative Braddock

AN ACT Relating to the establishment of a health resources panel; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health Care.

HB 1822 by Representatives Jacobsen, Van Luven, Rector, Miller, H. Myers, Wood, Jesernig, Ebersole, Wineberry, Appelwick, R. Fisher, Betrozoff, Cole, Prince, Nelson, H. Sommers, Peery, Rasmussen, Wang, Dellwo, Ferguson, Gallagher, May, P. King, Walker, Hankins, Sprenkle, Cantwell, Day, Nutley, D. Sommers, Moyer, Anderson, Silver, Nealey, Dorn, Todd, Holland, Brooks, G. Fisher, Heavey, Walk, Grant, Pruitt, Winsley, Valle, K. Wilson, Schoon, Morris, Hine, Horn, R. Meyers, Scott, Brekke, Tate, Bristow, Wolfe, Patrick and Brumsickle

AN ACT Relating to upper division and graduate level higher education programs; adding new sections to Title 28B RCW; creating a new section; and repealing RCW 28B.30.510.

Referred to Committee on Higher Education.

HB 1823 by Representatives Nutley, Winsley and Cooper

AN ACT Relating to nonenergy-related building codes; amending RCW 19.27.060, 36.21.070, and 36.21.080; adding a new section to chapter 19.27 RCW; and repealing RCW 36.21.040, 36.21.050, and 36.21.060.

Referred to Committee on Housing.

HB 1824 by Representatives Wood, Jacobsen, Wineberry and P. King

AN ACT Relating to waiver of tuition and fees for state employees; and amending RCW 28B.15.535.

Referred to Committees on Higher Education/Appropriations.

HB 1825 by Representatives R. Fisher, Wood, Walk, Nelson, G. Fisher, Day, Hankins, Walker, Cantwell, Todd, Heavey, Winsley, Pruitt, Wang, Prentice, R. King, Scott, Crane and Fraser

AN ACT Relating to high capacity transportation systems; amending RCW 84.52.052; reenacting and amending RCW 47.76.030; adding new sections to chapter 35.21 RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 82.14 RCW; adding new sections to chapter 47.76 RCW; adding a new chapter to Title 47 RCW; adding a new chapter to Title 81 RCW; creating new sections; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1826 by Representatives Vekich, Basich, Hargrove, R. Meyers, Spanel, Sayan, Jones, Ebersole, May, Heavey, Betrozoff, Schoon, Miller and P. King

AN ACT Relating to sales tax exemption for public corporations engaged in artistic or cultural programs; amending RCW 82.04.4328; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Revenue.

HB 1827 by Representatives Vekich, S. Wilson, Valle, Pruitt, K. Wilson, Leonard, Braddock, Prentice, Locke, Jacobsen, Cole, Todd, Spanel, Brekke, Rust, H. Sommers and R. King

AN ACT Relating to the control of air pollution resulting from slash burning; adding new sections to chapter 76.04 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Natural Resources & Parks.

HJR 4213 by Representatives Padden, Tate, Wolfe, D. Sommers, May, Fuhrman, Bowman, Baugher, Hargrove, Brumsickle, Miller, Horn, Doty, Nealey and Ferguson

Ratifying an amendment to the United States Constitution on congressional pay raises.

Referred to Committee on State Government.

SCR 8405 by Senators Hayner, Sellar and Newhouse

Adopting the Joint Rules of the Senate and the House of Representatives.

Referred to Committee on Rules.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

February 2, 1989

HB 1017 Prime Sponsor, Representative P. King: Providing funds for salary increases for educational food service employees. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 16, after "salary" insert "or benefits"

On page 1, line 17, after "salary" insert "or benefits"

Signed by Representatives Peery, Chair; Betrozoff, Ranking Republican Member; Brumsickle, Cole, Fuhrman, Holland, Horn, Jones, Phillips, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Referred to Committee on Appropriations.

February 1, 1989

HB 1019 Prime Sponsor, Representative P. King: Allowing home detention for certain burglars. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 6, line 35, after "9A.46.020." insert "Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 conditioned upon the offender: (a) successfully completing 21 days in a work release program; (b) having no convictions for burglary in the second degree during the preceding two years; (c) having no convictions for a violent felony offense during the preceding two years; (d) having no prior charges of escape; and (e) fulfilling the other conditions of the home detention program."

On page 7, line 2, after "hours," insert "or the offender performing parental duties to offspring or minors normally in the custody of the offender,"

On page 7, line 3, after "restitution." insert "The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them"

if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Belcher, Dellwo, Inslee, P. King, Locke, R. Meyers, H. Myers, Scott and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Ranking Republican Member; Moyer, Patrick, Schmidt, Tate and Van Luven.

Voting nay: Representatives Padden, Ranking Republican Member; Brough, Hargrove, Moyer, Patrick, Schmidt, Tate and Van Luven.

Passed to Committee on Rules for second reading.

February 1, 1989

HB 1049 Prime Sponsor, Representative Locke: Relating to permitting prosecutors to perform certain legal services. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 16, strike "Nothing" and insert "Except as provided in subsection (4) of this section, nothing"

On page 1, line 18, after "himself" insert "or herself"

On page 1, line 18, after "his" insert "or her"

On page 1, after line 20, insert:

"(4) The legal services identified in subsection (3) of this section may not be performed if they would interfere with the duties of a prosecuting attorney, or deputy prosecuting attorney and no services that are performed shall be deemed within the scope of employment of a prosecutor or deputy prosecutor."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Luven and Wineberry.

Absent: Representatives Brough and Wineberry.

Passed to Committee on Rules for second reading.

February 1, 1989

HB 1070 Prime Sponsor, Representative Rector: Revising procedures on criminal procedure. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 11, strike "clear and convincing" and insert "a preponderance of the"

On page 1, line 27, strike "a cash bond" and insert "an appeal bond"

On page 2, line 10, after "released." insert "Any bail bond that was posted on behalf of a defendant shall, upon the defendant's conviction, be exonerated."

On page 2, following line 19, insert:

"NEW SECTION, Sec. 5. A new section is added to chapter 9.95 RCW to read as follows:

In order to minimize the trauma to the victim, the court may attach conditions on release of a defendant under section 1 of this act regarding the whereabouts of the defendant, contact with the victim, or other conditions.

NEW SECTION, Sec. 6. A new section is added to chapter 10.64 RCW to read as follows:

In order to minimize the trauma to the victim, the court may attach conditions on release of a defendant under section 2 of this act regarding the whereabouts of the defendant, contact with the victim, or other conditions."

On page 1, line 1 of the title, after "9.95.062." insert "adding a new section to chapter 9.95 RCW"

On page 1, line 2 of the title, strike "a new section" and insert "new sections"

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Brough, Dellwo, Inslee, P. King, Moyer, H. Myers, Patrick, Schmidt, Tate and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Locke and Wineberry.

Voting nay: Representatives Belcher, Hargrove, Locke and Wineberry.

Passed to Committee on Rules for second reading.

February 1, 1989

HB 1072 Prime Sponsor, Representative Rasmussen: Prohibiting air guns on school premises. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 20 after "(1)" insert "(a), (b), (c), or (d)"

On page 1, line 21 after "misdemeanor," insert "Any such student violating subsection (1)(e) of this section is guilty of a misdemeanor."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Luven and Wineberry.

Absent: Representatives Brough, Van Luven and Wineberry.

Passed to Committee on Rules for second reading.

February 2, 1989

HB 1080 Prime Sponsor, Representative Kremen: Broadening vessel registration exemptions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 14 after "Vessels" strike the remainder of subsection (3) and insert "~~((owned by a resident))~~ registered or numbered under the laws of a country other than the United States ~~((if the vessel is))~~ or having a valid United States customs service cruising license issued pursuant to 19 C.F.R. Sec. 4.94 ~~((not physically located upon the waters of this state for a period of more than sixty days))~~"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betrozoff, Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Hearvey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representatives R. Meyers, Prince and Todd.

Passed to Committee on Rules for second reading.

February 1, 1989

HB 1081 Prime Sponsor, Representative Padden: Restricting release of persons convicted of vehicular homicide or assault. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 20, line 26 after "each" insert "other"

On page 20, line 27 after "each" insert "other"

On page 21, after line 24 insert:

"NEW SECTION. Sec. 6. This 1989 act shall take effect July 1, 1989 and applies to crimes committed on or after its effective date."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Luven and Wineberry.

Absent: Representatives Brough, Scott, Van Luven and Wineberry.

Passed to Committee on Rules for second reading.

February 1, 1989

HB 1082 Prime Sponsor, Representative Padden: Establishing seriousness levels for unranked felonies. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 5, strike section 1

Renumber remaining sections consecutively.

On page 10, line 9, strike "and 3 years junior" and insert "~~((and 3 years junior))~~"

On page 1, line 2 of the title, strike "reenacting and amending RCW 9.94A.120 and" and insert "amending"

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Luven and Wineberry.

Absent: Representatives Brough, Scott, Van Luven and Wineberry.

Passed to Committee on Rules for second reading.

February 1, 1989

HB 1102 Prime Sponsor, Representative Wineberry: Standardizing application of good-time credit statutes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 7, strike all material down to and including "facility" on line 11, and insert "The sentence of a prisoner confined in a county jail facility for a felony, gross misdemeanor, or misdemeanor conviction may be reduced by earned release credits in accordance with procedures that shall be developed and promulgated by the facility"

On page 4, line 29, after "procedures" insert "that shall be"

On page 5, following line 15, insert:

"NEW SECTION, Sec. 4. Section 1, chapter 209, Laws of 1984, section 1, chapter 276, Laws of 1983, section 1, chapter 99, Laws of 1937 and RCW 9.92.150 are each repealed.

NEW SECTION, Sec. 5. This act applies only to sentences imposed for crimes committed on or after July 1, 1989."

On page 1, line 3 of the title, strike "and"

On page 1, line 3 of the title, strike "a new section" and insert "new sections"

On page 1, line 3 of the title after "RCW" insert "; and repealing RCW 9.92.150"

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Belcher, Dellwo, Inslee, P. King, Locke, R. Meyers, H. Myers and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Ranking Republican Member; Brough, Moyer, Patrick, Schmidt, Tate and Van Luven

Absent: Representatives Hargrove and Scott.

Passed to Committee on Rules for second reading.

February 2, 1989

HB 1109 Prime Sponsor, Representative O'Brien: Dealing with voter registration for high school students. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 9 after "students," insert "The program shall include a pamphlet containing a voter registration card and directions on how to register to vote and information that county auditors may provide demonstrations of voting equipment and other programs on request."

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Passed to Committee on Rules for second reading.

February 2, 1989

HB 1154 Prime Sponsor, Representative R. Fisher: Revising campaign finance reporting. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

On page 3, beginning on line 5, after "person" strike all material through "if any" on line 6

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Rector and Sayan.

Absent: Representatives Morris, O'Brien and Silver.

Passed to Committee on Rules for second reading.

February 3, 1989

HB 1177 Prime Sponsor, Representative Nelson: Extending utility lending of credit to equipment. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Jacobsen, Jesernig, May, R. Meyers, H. Myers and S. Wilson.

Absent: Representatives Gallagher, Jacobsen, Miller and S. Wilson.

Passed to Committee on Rules for second reading.

February 2, 1989

HB 1217 Prime Sponsor, Representative Cooper: Revising provisions for water and sewer districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wood and Zellinsky.

Absent: Representative Wolfe.

Passed to Committee on Rules for second reading.

February 2, 1989

HB 1284 Prime Sponsor, Representative Haugen: Allowing local government to hold abandoned property. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 12, strike "and junior taxing districts" and insert "towns, and other municipal and quasi-municipal corporations"

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wood and Zellinsky.

Absent: Representatives Todd and Wolfe.

Passed to Committee on Rules for second reading.

February 2, 1989

HB 1326 Prime Sponsor, Representative Bristow: Revising provisions for local funding requirements for school construction projects. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 11 strike "RCW 28A.47.800 through 28A.47.811" and insert "~~(RCW 28A.47.800 through 28A.47.811)~~ RCW 28A.47.830"

On page 2, line 3 strike "For" and insert "After the effective date of this act, for"

On page 2, line 4 after "RCW 28A.47.803," insert "when a school district is granted authority to enter into contracts,"

On page 2, beginning on line 8 after "(a)" strike everything through "The" on line 11 and insert "After the effective date of this act for districts which have been designated as serving high school districts under RCW 28A.56.200, students residing in the nonhigh districts so designated shall be excluded from the enrollment count if the student is enrolled in any grade level not offered by the nonhigh district; (b) After the effective date of this act the"

On page 2, line 13 after "a" insert "erving"

On page 2, line 13 after "school" strike "erving"

On page 5, line 17 after "designated" insert "as serving high school districts"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Referred to Committee on Capital Facilities & Financing.

February 1, 1989

HB 1342 Prime Sponsor, Representative Dellwo: Allowing department of corrections to petition for review of sentences. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 10 after "sentence," insert "The petition shall include a certification by the department that all reasonable efforts to resolve the dispute at the superior court level have been exhausted."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Luven and Wineberry.

Voting nay: Representative Brough.

Absent: Representative Scott.

Passed to Committee on Rules for second reading.

February 3, 1989

HB 1376 Prime Sponsor, Representative Vekich: Clarifying the public employment relations commission jurisdiction with public utility districts. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Jones, R. King, Leonard, Prentice, Smith and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Ranking Republican Member; and Wolfe.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 2, 1989

HB 1394 Prime Sponsor, Representative Rayburn: Revising irrigation district bidding requirements. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Chandler, Doty, Grant, Jesernig, McLean, H. Myers, Rasmussen and Youngsman.

Passed to Committee on Rules for second reading.

February 2, 1989

HB 1398 Prime Sponsor, Representative Baugher: Regarding emergency drought relief. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Chandler, Grant, Jesernig, McLean, H. Myers, Rasmussen and Youngsman.

Passed to Committee on Rules for second reading.

February 1, 1989

HB 1418 Prime Sponsor, Representative Padden: Adding provisions on moral nuisances. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 28, after "restrain the" insert "exhibition or sale of any film, publication or item of"

On page 1, line 28 after "trade," insert "The order may require that at least one original of each film or publication shall be preserved pending the hearing on the injunction."

On page 2, line 10, after "the" insert "alleged"

On page 2, line 16, strike "state of Washington, municipal corporations, or political subdivisions of the state of Washington" and insert "the city attorney, the prosecuting attorney, or the attorney general"

On page 3, line 14, after "court" strike everything through "both." on page 3, line 16.

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Inslee, P. King, Locke,

R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Loven and Wineberry.

Absent: Representative Scott.

Passed to Committee on Rules for second reading.

February 1, 1989

HB 1457 Prime Sponsor, Representative Appelwick: Regarding the indeterminate sentencing review board. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 27 after "9.95.030," strike all material down to and including "victim" on line 29 and insert "In addition to the report and recommendations of the prosecuting attorney and sentencing judge, the board shall also consider any victim impact statement submitted by a victim, survivor or a representative of the victim or survivor, and any statement submitted by an investigative law enforcement officer"

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Belcher, Dellwo, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Van Loven and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Ranking Republican Member; and Tate.

Voting nay: Representatives Padden, Ranking Republican Member; Brough, Hargrove and Tate.

Absent: Representatives Scott and Wineberry.

Passed to Committee on Rules for second reading.

February 3, 1989

HB 1629 Prime Sponsor, Representative Vekich: Revising unemployment compensation provisions for agricultural labor. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Jones, R. King, Leonard and Prentice.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Ranking Republican Member; Smith, Walker and Wolfe.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Ebersole, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker declared the House to be at ease until 11:15 a.m.

The Speaker called the House to order at 11:15 a.m.

REPORT OF STANDING COMMITTEE

February 2, 1989

HB 1599 Prime Sponsor, Representative Locke: Making appropriations for persons suffering from alcohol or drug addiction. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Doty, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry

Absent: Representatives Silver, Ranking Republican Member; Holland, Padden, Peery and Wang.

MOTION

On motion of Mr. Ebersole, the rules were suspended and House Bill No. 1599 was advanced to second reading.

SECOND READING

HOUSE BILL NO. 1599, by Representatives Locke, Silver, Bristow, H. Sommers, Winsley, Miller, Sayan, Pruitt, Wineberry, P. King, Rayburn, Raiter, R. King, Belcher, Jones, Scott, Baugher, Jacobsen, H. Myers, Rasmussen, Spanel, Basich, Phillips, Appelwick and Day

Making appropriations for persons suffering from alcoholism or drug addiction.

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

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

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

Representatives Locke, Silver and Brekke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1599, the the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Appelwick, Fisher R, O'Brien, Rector, Schoon - 5.

Substitute House Bill No. 1599, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1010 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1010, by Representatives Sayan, Patrick, Wang, Wineberry, R. King, Rector, Dellwo, Winsley, Basich and Day

Revising provisions for disability leave supplement for law enforcement officers and fire fighters.

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

Representatives Sayan and Patrick spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Sayan yielded to question by Mr. Padden.

Mr. Padden: I notice in our bill report that a fiscal note was requested on January 16. I did not see it in our bill books. Can you tell me, what is the fiscal impact of this legislation?

Mr. Sayan: According to the department it is negligible. That is the best that I can tell you and that is why the cities did not oppose it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1010, the the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Appelwick, Fisher R, O'Brien, Rector, Schoon - 5.

House Bill No. 1010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1103 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1103, by Representatives Vekich, Cole, Patrick, O'Brien, Wang, Winsley, P. King, Beck and May; by request of Attorney General

Revising provisions for motor vehicle warrants.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 17th Day, January 27, 1989.)

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1103, the the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Appelwick, Fisher R, O'Brien, Rector, Schoon - 5.

Engrossed House Bill No. 1103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTIONS

Mr. Ebersole moved that House Bill No. 1119 be referred from Committee on Rules to Committee on Appropriations. Ms. Brough spoke against the motion. The motion was carried.

On motion of Mr. Ebersole, House Bill No. 1602 was referred from Committee on Judiciary to Committee on Human Services.

On motion of Mr. Ebersole, House Bill No. 1737 was referred from Committee on Judiciary to Committee on Appropriations.

On motion of Mr. Ebersole, House Bill No. 1782 was referred from Committee on Revenue to Committee on Transportation.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4617, by Representatives Fuhrman and Bristow

WHEREAS, Duane Vaagen of Colville, Washington was named "Man of the Year" for 1988 by the national trade magazine Timber Monthly; and

WHEREAS, Duane Vaagen, President of Vaagen Brothers' Lumber Company since 1980, has distinguished himself in the timber industry as an innovative and progressive manager; and

WHEREAS, Duane Vaagen has surrounded himself with an able and enthusiastic managerial team; and

WHEREAS, Duane Vaagen and his team steered Vaagen Brothers' Lumber Company through several difficult years for the timber industry in the early 1980s, when a number of sawmills had to close their doors and many people became unemployed; and

WHEREAS, Because of Duane Vaagen's resolute leadership, the company is prosperous and the output of its three sawmills at Colville, Republic and Lone is at an all-time high; and

WHEREAS, Integral components of Duane Vaagen's successful leadership, for which he is recognized by his peers, are his accessibility and compassion to company employees; and

WHEREAS, He builds employee trust and confidence by regularly keeping them informed, actively soliciting their recommendations, sponsoring sports' teams and awarding monthly prizes; and

WHEREAS, Duane Vaagen exemplifies the entrepreneurship our state economy must have if it is to flourish in the competitive twenty-first century;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives commend Duane Vaagen for the national recognition he has received and for the contribution he has made to the economy of our state; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Duane Vaagen.

Mr. Fuhrman moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4617 was adopted.

MESSAGE FROM THE SECRETARY OF STATE

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

As required by Article II, Section 1, of the State Constitution and RCW 29.79.200, we herewith respectfully certify that we have completed the verification of the signatures on Initiative to the Legislature 99, a copy of which was preliminarily certified to you on January 9, 1989, and we have determined that the Initiative contains the signatures of at least 157,132 legal voters of the State of Washington. As this number exceeds that required by the State Constitution (151,133), we hereby certify that the Initiative to the Legislature 99 is qualified to appear on the state general election ballot unless approved by the Legislature during this session.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington this sixth day of February, 1989.

(Seal)

RALPH MUNRO, Secretary of State.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Wednesday, February 8, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

THIRTY-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, February 8, 1989

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Basich, Brekke, Hargrove, Jesernig, P. King, Rector and Todd. On motion of Mr. Heavey, Representatives Hargrove and Jesernig were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lisa Revelle and Jave Ragan. Prayer was offered by Sister Georgette Bayless, Director of Chaplains, St. Peter Hospital of Olympia.

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

MESSAGE FROM THE SENATE

February 6, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5067,
ENGROSSED SENATE BILL NO. 5090,
SENATE BILL NO. 5381,
SENATE JOINT MEMORIAL NO. 8000,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 1828 by Representatives Phillips, D. Sommers, Sayan, Winsley, Basich, Spanel, Rust, Brumsickle, Morris, Jones, Locke, Anderson, Jacobsen, Crane, Pruitt, Wineberry, Wang, P. King, Valle, Nelson, Cooper and G. Fisher

AN ACT Relating to financial responsibility requirements for vessels transporting hazardous substances; adding a new chapter to Title 88 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Environmental Affairs.

HB 1829 by Representatives Phillips, Cole, Fuhrman, Rayburn, Valle, Jones, Rasmussen, G. Fisher, Peery, Dorn, Leonard, Holland, Anderson, Winsley, Jacobsen, Crane, Pruitt, Rector, Wineberry, P. King, O'Brien, Locke, Schoon, Brekke, Patrick, Ferguson, Todd, Appelwick and K. Wilson

AN ACT Relating to mental health; adding a new chapter to Title 71 RCW; and making an appropriation.

Referred to Committee on Education.

HB 1830 by Representatives Phillips, Rust, D. Sommers, Sprenkle, Valle, Jacobsen, Anderson, Pruitt, Fraser, Nelson and Todd

AN ACT Relating to waste-derived fuels burned at air contaminant sources; adding new sections to chapter 70.94 RCW; and creating a new section.

Referred to Committee on Environmental Affairs.

HB 1831 by Representatives Rasmussen, Dorn, Wang, Walker, Pruitt, Holland, Winsley, P. King and Schoon

AN ACT Relating to the special excise tax on lodging; and amending RCW 67.28.250.

Referred to Committee on Revenue.

HB 1832 by Representatives Peery, Fuhrman, Nealey, Ballard, Dorn, Prince, Brumsickle, Jones, Chandler, Brooks, Sprengle, Morris, Spanel, H. Myers, Cooper and McLean

AN ACT Relating to the minimum number of school administrators for small school districts; and amending RCW 28A.41.140.

Referred to Committees on Education/Appropriations.

HB 1833 by Representatives Baugher, Berozoff, Zellinsky, Patrick, Walk and Prince

AN ACT Relating to vehicle license, registration, and title fees; amending RCW 46.01-.140; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

HB 1834 by Representatives Cooper, Ferguson, G. Fisher, Haugen, Walk, Dorn and R. Meyers

AN ACT Relating to the acquisition and disposal of county property; amending RCW 36.16.140, 36.34.020, 36.34.050, 36.34.080, 36.34.090, 36.34.100, 36.81.130, 36.82.020, 36.82.130 and 36.82.160; reenacting and amending RCW 36.32.250; and repealing RCW 36.82.030 and 36.82.150.

Referred to Committee on Local Government.

HB 1835 by Representatives Rasmussen, Dorn, Appelwick, Moyer, Patrick, Winsley, R. Meyers, McLean, Walker, May, Crane, Brough, Sprengle, P. King, Schoon, Tate, Wolfe, Ferguson and Todd

AN ACT Relating to revocation of juveniles' privilege to drive because of alcohol and drug violations; and amending RCW 13.40.265, 46.20.265, 66.44.365, 69.41.065, 69.50.420, and 69.52.070.

Referred to Committee on Judiciary.

HB 1836 by Representatives Schoon, Rust, Winsley, Pruitt, G. Fisher, Doty, Dorn, Rasmussen, Brumsickle, Fraser, Youngsman, Walk and Valle

AN ACT Relating to smoking; and amending RCW 70.160.040.

Referred to Committee on Environmental Affairs.

HB 1837 by Representatives Vekich, Schoon and Ferguson

AN ACT Relating to the Washington technology center; amending RCW 28B.20.285; adding new sections to chapter 43.31 RCW; creating new sections; recodifying RCW 28B-.20.285; and providing an effective date.

Referred to Committee on Higher Education.

HB 1838 by Representatives R. King, Prentice, Leonard, Cole and Vekich

AN ACT Relating to experience rating of the industrial insurance medical aid fund; adding a new section to chapter 51.16 RCW; repealing section 1, chapter 337, Laws of 1985 (uncodified); repealing section 2, chapter 337, Laws of 1985 (uncodified); and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1839 by Representatives Leonard, Jones, R. King, Prentice, Sayan, Cole, Vekich, Rust and Basich

AN ACT Relating to maintaining employee benefits; amending RCW 51.32.090; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1840 by Representatives Vekich and Sayan

AN ACT Relating to the state retirement system; amending RCW 41.40.230 and 41.40-.670; adding a new section to chapter 41.50 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1841 by Representatives Peery and Winsley

AN ACT Relating to instructional materials; and amending RCW 28A.58.103.

Referred to Committee on Education.

HB 1842 by Representatives Schmidt, Jacobsen, R. Fisher, Walk, S. Wilson, Berozoff, Holland, Pruitt and Sprengle

AN ACT Relating to the excise taxation of motor vehicles, travel trailers, campers, and other vehicles; amending RCW 82.44.010, 82.44.020, 82.44.060, 82.44.110, 82.44.120, 82.44.150, 82.44.160, 82.44.170, 82.14.200, 82.14.210, 35.58.273, 35.58.275, 35.58.277, 43.62.010, 82.50.400, 82.50.410, and 46.12.360; reenacting and amending RCW 82.02.030; adding new sections to chapter 82.44 RCW; adding new sections to chapter 82.50 RCW; creating new sections; and repealing RCW 82.44.013, 82.44.040, 82.44.045, 82.44.050, 82.50.420, and 82.50.430.

Referred to Committee on Transportation.

HB 1843 by Representatives K. Wilson, Patrick, Nelson, Hargrove, Chandler, Vekich, Prentice and Leonard

AN ACT Relating to barriers in roadways; adding a new section to chapter 9.91 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1844 by Representatives Doty, Rasmussen, Heavey, Cole, Ballard, Leonard, Schoon, Nealey, Walker, Ferguson, May, Moyer, Brough, Miller, Bowman, Wood and Patrick

AN ACT Relating to employment in house-to-house sales; adding new sections to chapter 49.12 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1845 by Representatives McLean, Dorn, Brumsickle, Chandler, Moyer, Brough, D. Sommers, Wood, Wolfe and Ferguson

AN ACT Relating to juveniles; and amending RCW 28A.27.100 and 13.50.010.

Referred to Committee on Education.

HB 1846 by Representatives McLean, Dorn, Chandler, Moyer, Brough, Bowman, D. Sommers and Wood

AN ACT Relating to crisis residential centers; and amending RCW 74.13.032.

Referred to Committee on Human Services.

HB 1847 by Representatives Berozoff, Walker, Brumsickle, Rasmussen, May and Ferguson

AN ACT Relating to the identification of levy reduction funds in the appropriations act; amending RCW 84.52.0531; providing an effective date; and declaring an emergency.

Referred to Committees on Education/Appropriations.

HB 1848 by Representatives Van Luvan, Horn, Haugen, Zellinsky, Ferguson, Nutley, Bowman, Wolfe, Brumsickle, Fraser, May, Moyer, Jones, Fuhrman, D. Sommers and Wood

AN ACT Relating to distribution of local sales and use tax; and amending RCW 82.14.060.

Referred to Committee on Revenue.

HB 1849 by Representatives Van Luvan, Holland, Brumsickle, Horn, Ferguson, Wood and Beck

AN ACT Relating to the real estate excise tax; and amending RCW 82.45.060.

Referred to Committee on Revenue.

HB 1850 by Representatives Wolfe, Prentice, D. Sommers, Day, Braddock, Brooks, Chandler, Padden, Jones, Patrick, Walker, Sprengle,

Moyer, Nealey, Wood, Horn, Fuhrman, Holland, Morris, Brough, Miller, Bowman, Schoon, Brekke, Tate and Silver

AN ACT Relating to good samaritans; and amending RCW 18.71.220.

Referred to Committee on Judiciary.

HB 1851 by Representatives Haugen, S. Wilson, Cole, Bowman, Morris, Raiter and Spanel

AN ACT Relating to the establishment of fisheries through a special harvest permit; adding a new section to chapter 75.30 RCW; and creating a new section.

Referred to Committee on Fisheries & Wildlife.

HB 1852 by Representatives Prince, May and Nelson

AN ACT Relating to high-capacity transit systems; and creating new sections.

Referred to Committee on Transportation.

HB 1853 by Representatives Jones, Hargrove, Rust, Winsley, Haugen, Spanel, Basich, R. King, Belcher, Cole, Jacobsen, Pruitt, P. King, Valle and Nelson

AN ACT Relating to oil spill damage assessment, compensation, and penalties under the state water pollution control act; amending RCW 90.48.315, 90.48.390, 90.48.400, and 90.48.350; adding new sections to chapter 90.48 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Environmental Affairs.

HB 1854 by Representatives Jones, Hargrove, Rust, Winsley, Basich, R. King, Belcher, Cole, Spanel, P. King and Nelson

AN ACT Relating to resource damage assessment under the state water pollution control act; amending RCW 90.48.142, 90.48.390, and 90.48.400; creating new sections; and declaring an emergency.

Referred to Committee on Environmental Affairs.

HB 1855 by Representatives Jones, Vekich, Wang, Leonard, Jacobsen, R. King, Anderson, Ebersole, Cole, Nelson, Belcher, Basich, Brekke, Rector, Dellwo, Sayan, Wineberry, Crane, Prentice and Phillips

AN ACT Relating to notice of reductions in business operations; adding a new chapter to Title 49 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1856 by Representatives Rasmussen, Hankins, Haugen, Miller, Pruitt, Dorn and Nelson

AN ACT Relating to supersedeas; and amending RCW 80.04.180 and 81.04.180.

Referred to Committee on Energy & Utilities.

HB 1857 by Representatives Rasmussen, Miller, Nelson, Hankins and Fraser

AN ACT Relating to public water systems; amending RCW 43.20.050, 80.04.010, 80.04.110, 80.28.030, and 80.28.040; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Energy & Utilities.

HB 1858 by Representatives Kremen, Cantwell, Doty, Schoon, Rasmussen, Moyer, Raiter, Braddock and Wineberry

AN ACT Relating to the use of federal loan funds; adding a new chapter to Title 43 RCW; prescribing penalties; and making an appropriation.

Referred to Committee on Trade & Economic Development.

HB 1859 by Representatives Beck, Appelwick, Winsley, Heavey, Wood, Cantwell, Padden and Cooper

AN ACT Relating to the prohibition of adverse possession claims; adding a new section to chapter 7.28 RCW; creating a new section; and repealing RCW 7.28.050, 7.28.060, 7.28.070, 7.28.080, 7.28.090, 7.28.100, 7.28.160, 7.28.170, and 7.28.180.

Referred to Committee on Judiciary.

HB 1860 by Representatives Beck, Heavey, Winsley, Cantwell, Peery, Wood, Cooper, Horn and Ferguson

AN ACT Relating to the property tax exemption for senior citizens; and amending RCW 84.36.383.

Referred to Committee on Revenue.

HB 1861 by Representatives Beck, Heavey, Winsley, Cantwell, Wood, Brough, Horn, Ferguson, D. Sommers, Fraser, Wolfe, Silver and May

AN ACT Relating to the retail sales tax; and creating a new section.

Referred to Committee on Revenue.

HB 1862 by Representatives McLean, Hine, Sayan, Silver, Winsley, Van Luven and Doty

AN ACT Relating to providing twelve-months' service credit to public employees' retirement system members who are employed on a continuous nine-month basis at designated schools; and amending RCW 41.40.010 and 41.40.450.

Referred to Committee on Appropriations.

HB 1863 by Representatives Nelson, Brough, Walk, Patrick, Cantwell, R. Fisher, Prentice, Sprenkle, Wineberry and Brekke

AN ACT Relating to funding of the state transit and carpool system; adding a new chapter to Title 47 RCW; and providing an expiration date.

Referred to Committee on Transportation.

HB 1864 by Representatives Day, Brooks, Braddock, D. Sommers, R. Meyers, Sprenkle, Cantwell, Morris, Scott, Wolfe, Vekich, Patrick, Chandler, Crane, Winsley, Dellwo, Brough, Wineberry, P. King, S. Wilson, Bowman, Kremen, Dorn, Schoon, Van Luven, Wood, R. King, Cooper, Doty, Todd, McLean and O'Brien

AN ACT Relating to quality of care in nursing homes; amending RCW 74.46.481, 74.42.240, 74.42.380, 18.51.054, 18.51.060, 18.51.065, 74.42.580, 18.51.050, 18.51.430, 18.51.500, 18.51.410, 18.51.440, 18.51.460, 74.46.410, and 74.46.465; creating new sections; and repealing RCW 18.52A.050.

Referred to Committee on Health Care.

HB 1865 by Representatives Brough, Peery, Holland, Haugen, Betrozoff, Sayan, Ballard, Cole, Winsley, Morris, Kremen and Todd

AN ACT Relating to class size limitations; and amending RCW 28A.41.130.

Referred to Committee on Education.

HB 1866 by Representative Wang

AN ACT Relating to credits against insurance premium taxes; and amending RCW 48.32.145 and 48.32A.090.

Referred to Committee on Revenue.

HB 1867 by Representatives Wang, R. King, Patrick, Vekich and Wineberry

AN ACT Relating to workplace drug testing; adding a new chapter to Title 49 RCW; prescribing penalties; providing effective dates; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 1868 by Representatives Peery, Pruitt and P. King

AN ACT Relating to alternative learning programs; and adding a new section to chapter 28A.03 RCW.

Referred to Committee on Education.

HB 1869 by Representatives Sayan, Zellinsky, Haugen, Rayburn, Cole, Patrick, Padden, Smith, Ballard, Ferguson, Phillips, Basich, Jones, McLean, Anderson, Winsley, Moyer, P. King and D. Sommers

AN ACT Relating to medical care under the limited casualty program; and amending RCW 74.09.700.

Referred to Committee on Health Care.

HB 1870 by Representatives Vekich, Patrick, Ebersole, Holland, Dorn, R. Meyers, Jones, R. King, Cooper, Winsley, Rector, P. King, Prentice, Kremen, Leonard, Spanel, Rust, Phillips, Basich, Todd and G. Fisher

AN ACT Relating to employment protection for classified school employees; adding a new section to chapter 28A.58 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1871 by Representatives Heavey, Prince, Jesernig, May, Walker, Rasmussen, Hankins, Bristow, Scott, Day and Winsley

AN ACT Relating to tuition and fees waivers for students participating in intercollegiate athletics; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

HB 1872 by Representatives Heavey, Prince, Valle, Brough, Anderson, R. Meyers, Walker, Haugen, Rasmussen, Ebersole, Bristow, Scott, Fraser, Patrick, Raiter, Ballard, Hine, Phillips, G. Fisher, K. Wilson, Day, Winsley, Prentice, D. Sommers, Leonard, Zellinsky, Todd and Wood

AN ACT Relating to hitchhiking; amending RCW 46.61.255; and declaring an emergency.

Referred to Committee on Transportation.

HB 1873 by Representatives Walk and Nelson

AN ACT Relating to mobile home renters and owners; and adding a new chapter to Title 59 RCW.

Referred to Committee on Housing.

HB 1874 by Representatives Patrick, Betrozoff, Walk and Prentice

AN ACT Relating to roadway jurisdiction; amending RCW 47.26.160; and adding a new section to chapter 47.26 RCW.

Referred to Committee on Transportation.

HB 1875 by Representatives Cooper, Wood and Walk

AN ACT Relating to state highway routes; amending RCW 47.17.115, 47.17.170, 47.17.225, 47.17.330, 47.17.370, 47.17.375, 47.17.410, 47.17.460, 47.17.517, 47.17.550, 47.17.615, 47.17.625, 47.17.630, 47.17.650, 47.17.730, 47.17.752, 47.17.755, 47.17.760, 47.17.825, 47.17.830, and 47.17.855; adding new sections to chapter 47.17 RCW; and repealing RCW 47.17.245, 47.17.270, 47.17.415, 47.17.420, 47.17.450, 47.17.453, 47.17.530, 47.17.555, 47.17.620, and 47.17.765.

Referred to Committee on Transportation.

HB 1876 by Representatives Bristow, Winsley, Vekich, Scott, Rayburn, Kremen, Sprengle, Braddock, Morris, P. King, Prentice, Leonard, Phillips, Nelson and Todd

AN ACT Relating to mental health systems; amending RCW 71.24.015, 71.24.025, 71.24.035, 71.24.045, 71.24.160, and 71.05.020; adding new sections to chapter 71.24 RCW; adding new sections to chapter 71.05 RCW; repealing RCW 71.24.039; prescribing penalties; and providing an effective date.

Referred to Committee on Human Services.

HB 1877 by Representatives Bristow, Basich, Baugher, Rayburn and Fuhrman

AN ACT Relating to providing state funding assistance to school districts with student populations of two thousand or less located in distressed areas; adding a new section to chapter 28A.41 RCW; and making an appropriation.

Referred to Committee on Appropriations.

HB 1878 by Representatives Winsley, Bristow, Belcher, Sprengle, Braddock, Walker, Brekke and Tate

AN ACT Relating to community residential facilities; adding new sections to chapter 35.21 RCW; adding new sections to chapter 35A.21 RCW; adding new sections to chapter 36.70 RCW; and adding new sections to chapter 43.20A RCW.

Referred to Committee on Human Services.

HB 1879 by Representatives Nelson and Cole

AN ACT Relating to unit pricing; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1880 by Representatives Rayburn, P. King, Nealey and Doty

AN ACT Relating to pesticides regulated by the department of agriculture; and adding new sections to chapter 17.21 RCW.

Referred to Committee on Agriculture & Rural Development.

HB 1881 by Representatives Rayburn, Nealey and Doty

AN ACT Relating to irrigation districts; and amending RCW 87.03.460.

Referred to Committee on Agriculture & Rural Development.

HB 1882 by Representatives Rayburn, Nealey and Doty

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

Referred to Committee on Agriculture & Rural Development.

HB 1883 by Representatives Spanel, Haugen, S. Wilson, Schmidt, Zellinsky, Rust, Leonard, Ferguson and Cole

AN ACT Relating to aquaculture; adding new sections to chapter 90.58 RCW; and creating new sections.

Referred to Committee on Fisheries & Wildlife.

HB 1884 by Representatives Wang, H. Sommers, Dellwo, Anderson, Wineberry, Brekke and Phillips

AN ACT Relating to gender-based discrimination; amending RCW 41.05.075, 48.30.300, 48.18.480, 48.20.050, 48.23.180, 48.23.360, 48.24.150, 48.44.220, 48.46.370, 48.66.041, 48.74.030, 48.76.050, 49.60.030, 49.60.178, and 70.47.130; adding a new section to chapter 48.76 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HJM 4009 by Representatives Zellinsky, Sayan, Schmidt, Winsley, Jacobsen, Wineberry, Jesernig and Kremen

Petitioning that Medicare payments not be reduced for fiscal year 1990.

Referred to Committee on Health Care.

HJM 4010 by Representatives Heavey, P. King, Leonard, Crane, Nutley, Hargrove, Wineberry, Locke, Scott and Padden

Requesting that the new infraction rules be implemented later.

Referred to Committee on Judiciary.

HJR 4214 by Representatives Haugen, Ferguson, Cooper, Winsley, Appelwick, Morris and Wang

Submitting to the people an amendment to the state Constitution regarding the levy limitation.

Referred to Committee on Local Government.

HJR 4215 by Representatives McLean, Holland, Chandler and Padden

Modifying investment requirements of trust funds.

Referred to Committee on Capital Facilities & Financing.

HJR 4216 by Representatives Winsley, Haugen, Peery, Beck and Walker

Submitting to the vote of the people an amendment exempting fire protection district levies under certain limitations within Article VII, section 2 of the state Constitution.

Referred to Committees on Local Government/Revenue.

HJR 4217 by Representatives Heavey, May, Jesernig, Prince, Haugen, Bristow, Scott, Patrick, Raiter, Ballard, K. Wilson, Anderson, Winsley, Sprenkle, Kremen, Dorn, Schoon, R. Meyers and Ferguson

Resolving to amend the Constitution to allow forfeiture of estate in drug cases.

Referred to Committee on Judiciary.

HCR 4406 by Representatives Ebersole and Ballard

Arranging a memorial service for former legislators.

SSB 5067 by Committee on Law & Justice (originally sponsored by Senators Pullen and Talmadge)

Changing criminal penalties for assault of a transit operator and rider safety.

Referred to Committee on Judiciary.

ESB 5090 by Senators Nelson, Pullen, Talmadge and Benitz; by request of Sentencing Guidelines Commission

Establishing seriousness levels for unranked felonies.

Referred to Committee on Judiciary.

SB 5381 by Senators Sellar, Talmadge, Thorsness, Moore, Newhouse, Anderson, Lee, Saling, Amondson, Cantu, Rasmussen, Nelson, McMullen, West, Craswell and Barr

Increasing penalties for vehicular homicide due to drunken or reckless driving.

Referred to Committee on Judiciary.

SJM 8000 by Senators Madsen, Niemi, Talmadge, Pullen, McCaslin, Nelson, Thorsness, Rinehart and Johnson; by request of Attorney General

Relating to a resolution to the President for a constitutional amendment for victims' rights.

Referred to Committee on Judiciary.

MOTIONS

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

On motion of Mr. Ebersole, the rules were suspended and House Concurrent Resolution No. 4406 was placed on second reading.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4406, by Representatives Ebersole and Ballard

Arranging a memorial service for former legislators.

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

Mr. Ebersole spoke in favor of passage of the resolution.

House Concurrent Resolution No. 4406 was adopted.

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

REPORTS OF STANDING COMMITTEES

February 6, 1989

HI 102 Prime Sponsor, By Request of the Citizens of Washington State: Regarding children, youth, and family programs and education programs. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Anderson, Brekke, Leonard, Raiter and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Hargrove and Padden.

Referred to Committee on Appropriations.

February 1, 1989

HB 1011 Prime Sponsor, Representative P. King: Creating an additional judicial position in Snohomish county. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Luven and Wineberry.

Absent: Representatives Brough and Wineberry

Referred to Committee on Appropriations.

February 7, 1989

HB 1033 Prime Sponsor, Representative H. Sommers: Amending committee voucher authority. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, Rector, Sayan and Silver.

Absent: Representatives R. King, O'Brien and Sayan.

Passed to Committee on Rules for second reading.

February 2, 1989

HB 1065 Prime Sponsor, Representative Jones: Increasing penalties for sex crimes against children. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, Locke, R. Meyers, Moyer, H. Myers, Patrick, Scott, Tate, Van Luven and Wineberry.

Referred to Committee on Appropriations.

February 2, 1989

HB 1071 Prime Sponsor, Representative H. Myers: Limiting personal restraint petitions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Locke and Wineberry.

Passed to Committee on Rules for second reading.

February 1, 1989

HB 1078 Prime Sponsor, Representative Nutley: Changing provisions relating to local government boundary adjustments. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representatives Raiter and Zellinsky.

Passed to Committee on Rules for second reading.

February 2, 1989

HB 1136 Prime Sponsor, Representative R. Meyers: Creating superior court judge positions in Pierce county. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Tate, Van Luven and Wineberry.

Absent: Representatives Brough, P. King, Schmidt, Scott and Van Luven.

Referred to Committee on Appropriations.

February 6, 1989

HB 1157 Prime Sponsor, Representative Holland: Exempting vocational-technical institutes from competitive bidding in the case of sole source suppliers. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representative Phillips.

Passed to Committee on Rules for second reading.

February 6, 1989

HB 1197 Prime Sponsor, Representative Brekke: Regulating the administration of antipsychotic medication. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Anderson, Brekke, Leonard, Raiter, Moyer, Padden, Tate and Winsley.

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

Referred to Committee on Appropriations.

February 6, 1989

HB 1233 Prime Sponsor, Representative Braddock: Expanding eligibility for obtaining a license as a massage practitioner. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprengle, Vekich and Wolfe.

Passed to Committee on Rules for second reading.

February 7, 1989

HB 1249 Prime Sponsor, Representative Rust: Addressing plastic debris in marine environments. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 23, after "plan" strike "and" and insert "with appropriate state agencies including the parks and recreation commission and the departments of ecology, fisheries, and wildlife. The department is authorized"

Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprenkle, Van Luven and Walker.

Absent: Representative Walker.

Referred to Committee on Appropriations.

February 6, 1989

HB 1250 Prime Sponsor, Representative Morris: Changing licensing provisions for hearing aid fitters and dispensers. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprenkle, Vekich and Wolfe.

Passed to Committee on Rules for second reading.

February 7, 1989

HB 1279 Prime Sponsor, Representative Inslee: Updating code specifications for factory built housing. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Ballard, Inslee, Rector and Todd.

Absent: Representative Padden.

Passed to Committee on Rules for second reading.

February 3, 1989

HB 1301 Prime Sponsor, Representative D. Sommers: Providing for radon studies. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Sprenkle, Van Luven and Walker.

Absent: Representatives Brekke and Schoon.

Referred to Committee on Appropriations.

February 3, 1989

HB 1307 Prime Sponsor, Representative Phillips: Revising assessment levels for equalizing personal property. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Basich, Brumsickle, Fraser, Grant, Haugen, Morris, Phillips, Rust, H. Sommers and Van Luven.

Absent: Representatives Appelwick, Fuhrman, Phillips and Silver.

Passed to Committee on Rules for second reading.

February 3, 1989

HB 1308 Prime Sponsor, Representative Wang: Changing requirements concerning real estate excise tax affidavit forms. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Brumsickle, Fraser, Grant, Haugen, Morris, Rust, H. Sommers and Van Luven.

Voting nay: Representative Basich.

Absent: Representatives Appelwick, Fuhrman, Phillips and Silver.

Passed to Committee on Rules for second reading.

February 6, 1989

HB 1478 Prime Sponsor, Representative Braddock: Regulating the board of pharmacy. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprenkle, Vekich and Wolfe.

Passed to Committee on Rules for second reading.

February 6, 1989

HB 1562 Prime Sponsor, Representative Sayan: Providing for sanitary control of shellfish. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprenkle, Vekich and Wolfe.

Passed to Committee on Rules for second reading.

MOTION

Mr. Ebersole moved that the bills listed on today's committee reports under the fifth order of business be referred to the committees so designated.

POINT OF PARLIAMENTARY INQUIRY

Ms. Brough: Thank you, Mr. Speaker. I see on the fifth order of business that HI-102 is being referred to Committee on Appropriations. My question is, Mr. Speaker, where was this bill yesterday?

SPEAKER'S REPLY

The Speaker: The bill was still in possession of the House, on the bar of the House.

Ms. Brough: A public hearing was held in the Committee on Appropriations yesterday.

SPEAKER'S REPLY

The Speaker: Yes, as we have had budget hearings. You are correct.

The motion by Mr. Ebersole to refer the bills listed on today's committee reports under the fifth order of business to the committees so designated was carried.

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

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1053 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1053, by Representatives Haugen, Ferguson and Wolfe

Extending sewer district annexation to include any island.

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

Representatives Haugen, Brough and Miller spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1053, and the bill passed the House by the following vote: Yeas, 91; absent, 5; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Basich, Brekke, King P, Rector, Todd - 5.

Excused: Representatives Hargrove, Jesernig - 2.

House Bill No. 1053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Basich appeared at the bar of the House.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1400 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1400, by Representative R. Meyers

Establishing family court commissioners in third through ninth class counties.

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

Representatives R. Meyers and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1400, and the bill passed the House by the following vote: Yeas, 91; absent, 5; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Baugher, Brekke, King P, Rector, Todd - 5.

Excused: Representatives Hargrove, Jesernig - 2.

House Bill No. 1400, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Brekke and Todd appeared at the bar of the House.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1138 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1138, by Representatives Baugher, McLean, Crane, Heavey, Rayburn, Haugen, Scott, Grant, Jesernig, Sayan, Hargrove, Rasmussen, Bristow, Ballard, Moyer, Smith, Patrick, Zellinsky, S. Wilson, R. King, Pruitt, Doty, Nealey, Fuhrman, Walk, H. Myers, Rector and Sprenkle

Creating a honey bee commission.

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

Representatives Baugher, Nealey, Rayburn and McLean in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1138, and the bill passed the House by the following vote: Yeas, 93; absent, 3; excused, 2.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives King P, Rector, Valle - 3.

Excused: Representatives Hargrove, Jesernig - 2.

House Bill No. 1138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives P. King and Rector appeared at the bar of the House.

STATEMENT FOR THE JOURNAL

My absence for the roll call for the first three bills on this day's calendar (House Bill No. 1053, House Bill No. 1400 and House Bill No. 1138) was caused by the necessity to discuss with Dr. Alexander Schilt, President of Eastern Washington University, matters relating to branch campus issues. Because Dr. Schilt had to catch a return flight, this was the only opportunity to discuss an urgent concern relating to proposed amendments. I would have voted "Yes" on these bills.

SHIRLEY RECTOR, 5th District.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1261 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1261, by Representatives Cole, Leonard and Sayan; by request of Director of Labor and Industries

Revising procedures concerning violation of the industrial welfare laws.

The bill was read the second time. On motion of Ms. Cole, Substitute House Bill No. 1261 was substituted for House Bill No. 1261, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1261 was read the second time.

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

Representatives Cole and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1261, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hargrove, Jesernig - 2.

Substitute House Bill No. 1261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Jesernig appeared at the bar of the House.

SPEAKER'S PRIVILEGE

The Speaker introduced the Apple Blossom Court from Wenatchee which included Queen Stephanie Smith, Princess Amy Chapman and Princess Rosie Deal. Queen Stephanie briefly addressed the members of the House of Representatives.

The Speaker declared the House to be at ease until 11:30 a.m.

The Speaker called the House to order at 11:38 a.m.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1024 on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1024, by Representatives Appelwick, Padden, Wineberry, Locke, O'Brien, Zellinsky, Heavey, R. King, Anderson, Wolfe, Moyer, Ballard, Wang, S. Wilson, Pruitt, Sprenkle, Jesernig, Valle, Inslee, Tate, Winsley, P. King, Walker, Brough, Dellwo, Rector, Cooper, Jones, Todd, H. Myers, Patrick, Jacobsen, Kremen, Van Luven, D. Sommers, R. Fisher, Gallagher, Crane, Miller, Morris, Fraser, Schmidt, Silver, Phillips, Rasmussen, Scott, Cole, K. Wilson, Spanel and Bowman; by request of Department of Corrections

Notifying victims and witnesses of sex offenses of escape, release, or furlough of inmates.

The bill was read the second time.

Mr. Crane moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Crane and Padden spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1024.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1024, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Hargrove - 1.

House Bill No. 1024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1044, by Representatives Inslee, Schmidt, R. Meyers, Heavey, Baugher, Rayburn, Winsley, P. King, Wineberry, Patrick and Gallagher; by request of Washington State Patrol

Revising provisions for the criminal identification system.

The bill was read the second time.

Mr. Crane moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Crane spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1044.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1044, and the bill passed the House by the following vote: Yeas, 93; absent, 4; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Raiter, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Day, Haugen, Pruitt, Rust - 4.

Excused: Representative Hargrove - 1.

Substitute House Bill No. 1044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1110, by Representatives O'Brien, McLean, Cooper, Horn, Silver, Anderson, Betzoff, R. Fisher, Baugher, Winsley, D. Sommers, Miller, Brumsickle, Nutley, Morris and May

Changing the section relating to ballot pages and the placement of candidates' names.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives R. Fisher and McLean spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1110.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1110, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Hargrove - 1.

House Bill No. 1110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1161, by Representatives Ferguson, Cooper, May, Horn, Betzoff, Haugen and Miller

Preserving documents recorded with the county auditors.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Cooper and Ferguson spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1161.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1161, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Hargrove - 1.

Substitute House Bill No. 1161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1162, by Representatives Hine, G. Fisher, Horn, Ferguson and Haugen

Changing provisions relating to cities annexed by fire protection districts.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Cooper spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1162.

Representatives Hine and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1162, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Hargrove - 1.

House Bill No. 1162, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Joint Memorial No. 4001 on the suspension calendar. The motion was carried.

HOUSE JOINT MEMORIAL NO. 4001, by Representatives Schmidt, Walk, S. Wilson, Zellinsky, Van Luven, Baugher, R. Fisher, Gallagher, May, Peery, Bowman, Moyer, D. Sommers, Miller, Wolfe, Nealey and Brough

Requesting removal of the highway trust fund and the airport and airway trust fund from the unified federal budget.

The memorial was read the second time.

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

The Speaker stated the question before the House to be the final passage of House Joint Memorial No. 4001.

Ms. Schmidt spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4001, and the memorial passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Hargrove - 1.

House Joint Memorial No. 4001, having received the constitutional majority, was declared passed.

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

MOTIONS

On motion of Mr. Ebersole, House Bill No. 1284 was referred from Committee on Rules to Committee on Revenue.

On motion of Mr. Ebersole, House Bill No. 1625 was referred from Committee on Commerce & Labor to Committee on Health Care.

On motion of Mr. Ebersole, House Bill No. 1642 was referred from Committee on Judiciary to Committee on Appropriations.

On motion of Mr. Ebersole, House Bill No. 1680 was referred from Committee on Judiciary to Committee on Commerce & Labor.

On motion of Mr. Ebersole, House Bill No. 1749 was referred from Committees on Fisheries & Wildlife/Natural Resources & Parks to Committee on Natural Resources & Parks.

On motion of Mr. Ebersole, House Bill No. 1819 was referred from Committee on State Government to Committee on Local Government.

On motion of Mr. Ebersole, House Bill No. 1820 was referred from Committee on State Government to Committee on Local Government.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Friday, February 10, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

THIRTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Friday, February 10, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative G. Fisher.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Holly Brix and Jenny Stenseth. Prayer was offered by The Reverend Larry M. Warren, Minister of the United Methodist Church of Everett.

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

MESSAGES FROM THE SENATE

February 8, 1989

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5018,
ENGROSSED SENATE BILL NO. 5094,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5107,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

February 9, 1989

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4406,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 1885 by Representatives Hine, Silver, H. Sommers and Sayan

AN ACT Relating to technical clarifications of the judicial retirement system; amending RCW 2.14.080; and creating new sections.

Referred to Committee on Appropriations.

HB 1886 by Representatives Sayan, Fraser, Brekke and Belcher

AN ACT Relating to reimbursement of incarceration costs; and amending RCW 70.48.440 and 72.72.030.

Referred to Committee on Appropriations.

HB 1887 by Representatives Belcher, Sprengle and Wang

AN ACT Relating to increased funding for the transfer of trust properties to the state park system by imposing a travelers' tax; adding a new section to chapter 43.51 RCW; and creating a new section.

Referred to Committee on Revenue.

HB 1888 by Representatives Belcher and Sprengle

AN ACT Relating to increased funding for transferring trust lands to the state park system; amending RCW 82.44.110 and 82.50.510; and creating a new section.

Referred to Committee on Revenue.

- HB 1889** by Representatives Appelwick, Sayan, Locke and Brekke
 AN ACT Relating to public employee immunity; amending RCW 4.92.070; adding a new section to chapter 4.24 RCW; adding a new section to chapter 4.92 RCW; and repealing RCW 4.92.060 and 10.01.150.
 Referred to Committee on Judiciary.
- HB 1890** by Representatives R. Fisher and Anderson
 AN ACT Relating to redistricting; and amending RCW 44.05.090.
 Referred to Committee on State Government.
- HB 1891** by Representatives Belcher, Patrick, Dorn and Ferguson
 AN ACT Relating to private moorage facilities; amending RCW 60.36.010; adding new sections to chapter 60.36 RCW; and creating a new section.
 Referred to Committee on Natural Resources & Parks.
- HB 1892** by Representatives Nutley and Winsley
 AN ACT Relating to real estate contracts on the sale of residences; adding a new chapter to Title 61 RCW; and creating a new section.
 Referred to Committee on Housing.
- HB 1893** by Representatives Todd, Winsley, Nutley, Beck, Padden, Leonard, May, Zellinsky, Cooper, Ferguson, Ballard, Haugen and Hargrove
 AN ACT Relating to the building code council; amending RCW 19.27.015, 19.27.031, 19.27.060, and 19.27.074; and creating a new section.
 Referred to Committee on Housing.
- HB 1894** by Representatives Braddock, D. Sommers, Brooks, Sprenkle, Vekich, Day, Cantwell, Wolfe, Morris, Chandler, Patrick, Valle, Dellwo, Rector, Nelson and Phillips
 AN ACT Relating to technical changes in chapters 18.29 and 18.32 RCW; amending RCW 18.29.060, 18.32.030, 18.32.035, 18.32.037, 18.32.040, 18.32.050, 18.32.100, 18.32.110, 18.32.120, 18.32.160, 18.32.180, 18.32.220, 18.32.500, 18.32.520, 18.32.530, and 18.32.600; adding new sections to chapter 18.29 RCW; adding a new section to chapter 18.32 RCW; recodifying RCW 18.32.085, 18.32.290, 18.32.310, 18.32.320, 18.32.322, 18.32.324, 18.32.326, 18.32.328, 18.32.330, 18.32.340, 18.32.350, and 18.32.360; and repealing RCW 18.29.020, 18.29.031, 18.29.070, 18.32.070, and 18.32.225.
 Referred to Committee on Health Care.
- HB 1895** by Representatives Haugen and Ferguson
 AN ACT Relating to assessments against public lands; amending RCW 79.44.003, 79.44.040, and 79.44.050; and adding a new section to chapter 79.44 RCW.
 Referred to Committee on Local Government.
- HB 1896** by Representatives Vekich, Brooks, Morris, Wolfe, Prentice, D. Sommers, Sprenkle, Basich and Pruitt
 AN ACT Relating to interim permits for applicants for physical therapist licenses; and adding a new section to chapter 18.74 RCW.
 Referred to Committee on Health Care.
- HB 1897** by Representatives H. Sommers, Locke, Anderson, Wineberry, Phillips and Ferguson
 AN ACT Relating to liquor licenses; amending RCW 66.16.100 and 66.24.370; and declaring an emergency.
 Referred to Committee on Commerce & Labor.
- HB 1898** by Representative Appelwick
 AN ACT Relating to putative and unknown fathers; and adding a new chapter to Title 26 RCW.
 Referred to Committee on Judiciary.
- HB 1899** by Representatives Appelwick, Valle, P. King, Winsley and Phillips

AN ACT Relating to state government; amending RCW 41.04.230; and adding a new chapter to Title 43 RCW.

Referred to Committee on Capital Facilities & Financing.

HB 1900 by Representative Appelwick

AN ACT Relating to the uniform premarital agreement act; amending RCW 26.16.120; adding a new chapter to Title 26 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1901 by Representative Appelwick

AN ACT Relating to video reproduction games; amending RCW 9.46.0325 and 9.46.110; reenacting and amending RCW 9.46.230; and adding new sections to chapter 9.46 RCW.

Referred to Committee on Commerce & Labor.

HB 1902 by Representatives Bristow, Belcher, Sprenkle, Braddock, Pruitt and Bowman

AN ACT Relating to community residential and day care facilities; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Housing.

HB 1903 by Representatives Appelwick, P. King, Wineberry, Belcher, Leonard, Crane, Rector, Pruitt, Inslee and Padden

AN ACT Relating to civil liability; amending RCW 4.22.030 and 51.24.060; and repealing RCW 4.22.070.

Referred to Committee on Judiciary.

HB 1904 by Representative Hine

AN ACT Relating to private participation for funding transportation improvements; and amending RCW 39.92.040.

Referred to Committee on Transportation.

HB 1905 by Representatives Hargrove, Jones and Basich

AN ACT Relating to property taxes imposed for veterans' assistance purposes; and amending RCW 73.08.080.

Referred to Committee on Local Government.

HB 1906 by Representatives Van Luvan, Ferguson, Horn, Wood, May, Betzoff, Patrick and Holland

AN ACT Relating to the funding of community colleges; amending RCW 84.52.052; adding new sections to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1907 by Representatives Day, Schoon, Kremen, Silver, Cantwell, Beck, Rayburn, McLean, Youngsman, Tate, Moyer, Rector, Baugher, Jesernig, P. King, Doty and Spanel

AN ACT Relating to business and industrial development corporations; amending RCW 31.24.010, 31.24.020, 31.24.030, 31.24.040, 31.24.070, 31.24.080, 31.24.090, 31.24.120, 31.24.130, 31.24.140, 31.24.150, and 31.24.160; reenacting and amending RCW 42.17.310; adding new sections to chapter 31.24 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 48.14 RCW; creating a new section; repealing RCW 31.24.050, 31.24.060, and 31.24.100; prescribing penalties; and making appropriations.

Referred to Committee on Trade & Economic Development.

HB 1908 by Representatives Valle, Winsley, Heavey, K. Wilson and Peery

AN ACT Relating to school district budget formats; amending RCW 28A.65.440; and adding a new section to chapter 28A.65 RCW.

Referred to Committee on Education.

HB 1909 by Representatives Horn, Haugen, Ferguson, Cooper, Silver, May, Raiter, Holland, Nelson, Phillips, K. Wilson, Betzoff, Brumsickle, Walker, Wood, Nealey, Wolfe, Nutley, Rayburn, Zellinsky, Todd, D. Sommers, Rector and Winsley

AN ACT Relating to abandoned property held by local governments; and adding a new section to chapter 63.29 RCW.

Referred to Committee on Local Government.

HB 1910 by Representatives R. Fisher, Miller, Hine, Van Luven, McLean, H. Sommers, Anderson, Braddock, Belcher, Dellwo, Baugher, Basich, Leonard, Rust, Scott, Pruitt, Nelson, Winsley, Morris, Phillips, Raiter, G. Fisher, Sprengle and Brekke

AN ACT Relating to campaign financing; amending RCW 42.17.105, 42.17.390, 67.70.040, and 67.70.240; adding a new section to chapter 34.05 RCW; adding new sections as new subchapters in chapter 42.17 RCW; adding new sections to chapter 42.17 RCW; adding a new section to chapter 29.80 RCW; adding a new section to chapter 67.70 RCW; creating new sections; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on State Government.

HB 1911 by Representatives Cooper, Ferguson, Nutley, Haugen and Raiter

AN ACT Relating to special districts; amending RCW 85.38.010, 85.05.015, 86.09.377, 85.38.100, 85.38.120, and 85.24.250; adding new sections to chapter 85.38 RCW; recodifying RCW 85.05.015; and repealing RCW 85.24.210.

Referred to Committee on Local Government.

HB 1912 by Representatives Bowman, Patrick, Brumsickle, Belcher, Padden, Tate, Walker, Wolfe, Silver, Fraser, Van Luven, Schmidt, Moyer, Brough, Betzoff, Locke, Brooks, Vekich, Appelwick, Wood, Youngsman, McLean, Baugher, D. Sommers, Scott, Holland, Horn, Winsley, Dorn, Doty and Rasmussen

AN ACT Relating to fingerprinting; amending RCW 10.98.050; and reenacting and amending RCW 43.43.735.

Referred to Committee on Judiciary.

HB 1913 by Representative Winsley

AN ACT Relating to early retirement; and amending RCW 41.40.180 and 41.40.630.

Referred to Committee on Appropriations.

HB 1914 by Representatives Patrick, Leonard, Prentice, Schoon, Wineberry and May

AN ACT Relating to smoking on school district property; and adding a new section to chapter 28A.58 RCW; and creating a new section.

Referred to Committee on Education.

HB 1915 by Representatives Patrick, Leonard, Beck, Prentice, Holland, Baugher, Crane, Ballard, Doty, Inslee, Padden, Rayburn, Winsley, Appelwick and Todd

AN ACT Relating to industrial insurance coverage for the horse racing industry; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1916 by Representatives Patrick and Cole

AN ACT Relating to liquor licenses; and amending RCW 66.24.010.

Referred to Committee on Commerce & Labor.

HB 1917 by Representatives O'Brien, May, Gallagher, Wineberry, Nelson, Locke, Sayan, Patrick, Baugher, Ferguson and McLean

AN ACT Relating to the licensing and certification of real estate appraisers; adding a new chapter to Title 18 RCW; creating a new section; making an appropriation; providing effective dates; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1918 by Representatives Doty, Spanel, Van Luven, Jacobsen, Miller, Wood and Basich

AN ACT Relating to the summer motivation and academic residential training program; amending RCW 28B.80.360; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

HB 1919 by Representatives Brooks and Moyer

AN ACT Relating to respiratory care practitioners; amending RCW 18.89.090; and adding a new section to chapter 18.89 RCW.

Referred to Committee on Health Care.

HB 1920 by Representatives Holland, Braddock, Brooks, Prentice, May, Vekich, Ballard, Todd, Brough, Leonard, Miller, Moyer, Horn, Ferguson, Patrick, D. Sommers, Kremen, Spanel, Wolfe and Wood

AN ACT Relating to the regulation of infectious waste; and creating a new chapter in Title 70 RCW.

Referred to Committee on Health Care.

HB 1921 by Representatives Sayan, Chandler, Anderson, Bowman, Ferguson, Nutley, Peery, Rasmussen, Ballard and McLean

AN ACT Relating to misstatements by the department of retirement systems; and adding a new section to chapter 41.50 RCW.

Referred to Committee on State Government.

HB 1922 by Representatives Schoon and Kremen

AN ACT Relating to the state patrol; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Transportation.

HB 1923 by Representative Schoon

AN ACT Relating to metropolitan municipal corporations; amending RCW 35.58.040 and 36.56.040; adding new sections to chapter 35.58 RCW; creating a new section; repealing RCW 35.58.118, 35.58.120, 35.58.130, 35.58.140, 35.58.150, and 35.58.160; and declaring an emergency.

Referred to Committee on Local Government.

HB 1924 by Representatives Schoon and Winsley

AN ACT Relating to off-road and all-terrain vehicles; amending RCW 46.09.020, 46.09.040, 46.09.070, and 46.09.110; adding new sections to chapter 46.09 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1925 by Representatives Schoon and Youngsman

AN ACT Relating to diseases transmitted during hospital procedures; adding a new section to chapter 70.24 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1926 by Representatives Schoon, Kremen, Youngsman, Day, Ferguson, Tate, Vekich, Jesernig and Spanel

AN ACT Relating to business and industrial development corporations; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 48.14 RCW; adding a new section to chapter 35.39 RCW; adding a new section to chapter 36.29 RCW; adding a new section to chapter 39.59 RCW; adding a new section to chapter 43.84 RCW; adding a new chapter to Title 31 RCW; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

- HB 1927** by Representatives Schoon, Winsley, Berozoff, Baugher and Brough
AN ACT Relating to driving on the right side of the roadway; and amending RCW 46.61.100.
Referred to Committee on Transportation.
- HB 1928** by Representatives Walk, R. Fisher, Nelson, Patrick, Todd, Miller, Valle, Heavey, P. King and D. Sommers
AN ACT Relating to local transportation funding; and adding a new chapter to Title 82 RCW.
Referred to Committee on Transportation.
- HB 1929** by Representatives Pruitt, R. Fisher and Nelson
AN ACT Relating to lobbying; and amending RCW 42.17.020, 42.17.170, and 42.17.180.
Referred to Committee on State Government.
- HB 1930** by Representatives Pruitt and R. Meyers
AN ACT Relating to county purchases; and reenacting and amending RCW 36.32.250.
Referred to Committee on Local Government.
- HB 1931** by Representatives S. Wilson, R. Meyers, Gallagher, Baugher and Winsley
AN ACT Relating to universal motor vehicle liability insurance; amending RCW 82.36.025; and adding a new section to chapter 46.29 RCW.
Referred to Committees on Transportation/Financial Institutions & Insurance.
- HB 1932** by Representatives Schoon, Brooks and Braddock
AN ACT Relating to physician's assistants; and amending RCW 69.50.101.
Referred to Committee on Health Care.
- HB 1933** by Representatives Schoon and Braddock
AN ACT Relating to physicians' assistants; and amending RCW 18.71A.060.
Referred to Committee on Health Care.
- HB 1934** by Representatives Pruitt, Scott, Wineberry, Anderson, Prentice, Ferguson, Leonard, Holland and Todd
AN ACT Relating to early intervention services for infants and toddlers with disabilities and their families; adding a new chapter to Title 70 RCW; making an appropriation; providing an effective date; and declaring an emergency.
Referred to Committees on Human Services/Appropriations.
- HB 1935** by Representatives Grant, Winsley, Wang, Nutley, Todd, Leonard, Scott, Nelson, Phillips and Locke
AN ACT Relating to the housing trust fund; and adding a new section to chapter 82.08 RCW.
Referred to Committees on Housing/Revenue.
- HB 1936** by Representatives Nelson and Hankins
AN ACT Relating to the burden of proof for reopened proceedings before the utilities and transportation commission; amending RCW 80.04.210 and 81.04.210; and declaring an emergency.
Referred to Committee on Energy & Utilities.
- HB 1937** by Representatives Nelson, Brekke, R. Fisher, Vekich, Leonard, Spanel and Locke
AN ACT Relating to beverage container recycling; adding a new chapter to Title 19 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Environmental Affairs.

HB 1938 by Representatives Rayburn, P. King, May, Grant, Ferguson, Nutley, Cooper, D. Sommers, Zellinsky, Patrick, Schoon, Beck, Hargrove, Brough and Holland

AN ACT Relating to the conservation and management of the state's wetland resources; adding a new chapter to Title 90 RCW; and making appropriations.

Referred to Committee on Natural Resources & Parks.

HB 1939 by Representatives Haugen, R. King and Kremen

AN ACT Relating to advertising in department of fisheries' publications; amending RCW 75.08.230; and creating new sections.

Referred to Committee on Fisheries & Wildlife.

HB 1940 by Representatives Sprenkle, Valle, Prentice, Leonard, Rust, Nelson, May, Phillips, Wolfe and Brekke

AN ACT Relating to distribution of tobacco products; adding new sections to chapter 70.54 RCW; and prescribing penalties.

Referred to Committee on Health Care.

HB 1941 by Representatives Sprenkle, Prentice, Leonard, Rust, Morris, Wolfe and Ferguson

AN ACT Relating to use of tobacco products; amending RCW 70.160.040 and 70.160.070; adding new sections to chapter 70.160 RCW; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 1942 by Representatives Sprenkle, Valle, Prentice, Leonard, Rust, Phillips and Wolfe

AN ACT Relating to the workplace clean air act; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 1943 by Representatives Sprenkle, Prentice, Leonard, Rust, Betrozoff, May, Dorn, Phillips, Wolfe and Rasmussen

AN ACT Relating to the use of tobacco products on public school property; and adding a new section to chapter 28A.31 RCW.

Referred to Committee on Education.

HB 1944 by Representatives Sprenkle, Valle, Prentice, Leonard, Rust, Nelson, Dorn, Morris, Phillips, Wolfe, Ferguson and Brekke

AN ACT Relating to restrictions on the sale of tobacco products; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1945 by Representatives Nelson, Schoon, Braddock, Betrozoff, Jacobsen and Bristow

AN ACT Relating to state debt management; and adding new sections to chapter 39.42 RCW.

Referred to Committee on Capital Facilities & Financing.

HB 1946 by Representatives Winsley, Inslee, Baugher, Rayburn, Dellwo, Moyer, Patrick, Holland and Sprenkle

AN ACT Relating to penalties for operation of a motor vehicle without insurance; amending RCW 46.52.030, 46.61.020, and 46.61.021; reenacting and amending RCW 46.63.020; adding a new chapter to Title 46 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1947 by Representatives Appelwick and P. King

AN ACT Relating to leases; amending RCW 62A.1-201; adding a new article 62A.2A to the uniform commercial code; and creating a new section.

Referred to Committee on Judiciary.

HB 1948 by Representative Appelwick

AN ACT Relating to the uniform status of children of assisted conception act; adding a new chapter to Title 26 RCW; and creating a new section.

Referred to Committee on Judiciary.

HJM 4011 by Representatives Belcher, Nelson, Jacobsen, R. Fisher, Anderson and Wineberry

Pressuring South Africa to stop giving funds and assistance to RENAMO.

Referred to Committee on State Government.

HJM 4012 by Representatives Brumsickle, Bowman, Schmidt, Youngsman, Patrick, Ballard, Betrozoff, Walker, Silver, McLean, Smith, Grant, Fuhrman, Brough, Phillips, Horn, Holland, Morris, Beck, Padden, Tate, Schoon, D. Sommers, Moyer, Kremen, P. King, Wineberry, Pruitt, Sayan, Winsley, Miller, Rayburn, K. Wilson, May, Inslee, Raiter, Hine, Spanel, G. Fisher, Rasmussen and Wood

Petitioning Congress to restore the deductibility of the retail sales tax.

Referred to Committee on Revenue.

HJR 4218 by Representatives Silver, Youngsman, Tate, Wolfe, Wood, Horn, Bowman, Brumsickle, McLean, Fuhrman, Padden, D. Sommers, Moyer, Brooks, Schoon and Brough

Amending the Constitution to include the cost management act.

Referred to Committee on Appropriations.

HJR 4219 by Representatives Haugen, Ferguson, Cooper, Wood, Nutley, Winsley, Appelwick, Rasmussen, Morris, Wang and Jones

Amending Article VII, section 2 of the state Constitution to authorize levies by library districts.

Referred to Committee on Local Government.

ESSB 5018 by Committee on Agriculture (originally sponsored by Senators Newhouse, Vognild, Barr, Hansen, Benitz and Rasmussen; by request of Secretary of State)

Revising provisions for cooperative associations.

Referred to Committee on Judiciary.

ESB 5094 by Senators West, Lee, Talmadge and Johnson

Providing for state registration of beer kegs.

Referred to Committee on Judiciary.

ESSB 5107 by Committee on Children & Family Services (originally sponsored by Senators Smith, Stratton and Craswell)

Regarding abuse or exploitation of vulnerable adults/registry.

Referred to Committee on Judiciary.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

February 8, 1989

HI 99 Prime Sponsor, By Request of Washington State Citizens: Presidential primary. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, Rector, Sayan and Silver.

Absent: Representatives Morris and O'Brien.

Passed to Committee on Rules 3.

February 8, 1989

HB 1051 Prime Sponsor, Representative Todd: Regarding developmentally disabled adults. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Leonard, Padden, Raiter and Winsley.

Absent: Representative Hargrove.

Referred to Committee on Appropriations.

February 8, 1989

HB 1054 Prime Sponsor, Representative P. King: Providing instruction in braille for blind students. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representatives Fuhrman and Holland.

Referred to Committee on Appropriations.

February 7, 1989

HB 1061 Prime Sponsor, Representative R. Fisher: Revising provisions for the state militia. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, Rector, Sayan and Silver.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 8, 1989

HB 1067 Prime Sponsor, Representative Braddock: Making technical changes in the state Health Insurance Coverage Access Act. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprengle and Wolfe.

Absent: Representative Vekich.

Passed to Committee on Rules for second reading.

February 7, 1989

HB 1115 Prime Sponsor, Representative Zellinsky: Authorizing purchase of leg-end drugs by animal control agencies. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Chandler, Doty, Grant, Jesernig, McLean, H. Myers, Rasmussen and Youngsman.

Absent: Representative H. Myers.

Passed to Committee on Rules for second reading.

February 8, 1989

HB 1117 Prime Sponsor, Representative Patrick: Changing conditions for workers' compensation insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 8, 1989

HB 1118 Prime Sponsor, Representative Vekich: Changing provisions relating to vocational rehabilitation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Jones, R. King, Leonard, Prentice and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Ranking Republican Member; Smith and Wolfe.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 8, 1989

HB 1192 Prime Sponsor, Representative Haugen: Authorizing special assessments and a grant program for conservation districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representatives Horn and Todd.

Passed to Committee on Rules for second reading.

February 8, 1989

HB 1224 Prime Sponsor, Representative R. Fisher: Simplifying filing procedures for elections to fill short and full terms. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, Rector, Sayan and Silver.

Absent: Representatives Morris and O'Brien.

Passed to Committee on Rules for second reading.

February 8, 1989

HB 1225 Prime Sponsor, Representative R. Fisher: Clarifying the declaration of candidacy for precinct committee officer. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, Morris, Rector, Sayan and Silver.

Absent: Representatives Morris and O'Brien.

Passed to Committee on Rules for second reading.

February 8, 1989

HB 1226 Prime Sponsor, Representative R. Fisher: Requiring lists of electors and presidential candidates. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 15 after "chairperson of" insert "the state committee of"
On page 2, line 6, after "major" insert "political"

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, Morris, Rector, Sayan and Silver.

Absent: Representatives Morris and O'Brien.

Passed to Committee on Rules for second reading.

February 7, 1989

HB 1264 Prime Sponsor, Representative Nealey: Changing provisions relating to local registrars. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Passed to Committee on Rules for second reading.

February 7, 1989

HB 1302 Prime Sponsor, Representative D. Sommers: Requiring standards for indoor air quality. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprenkle, Van Luven and Walker.

Referred to Committee on Appropriations.

February 8, 1989

HB 1336 Prime Sponsor, Representative Scott: Creating the substance abuse intervention program. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 23 after "where" insert "elementary through high school"
On page 1, line 25 after "for" insert "at risk"
On page 1, line 25 after "students" insert "or for students"
On page 1, line 28 strike "an" and insert "a kindergarten through twelfth grade"
On page 2, line 1 after "and" strike "confront" and insert "assist in confronting"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representatives Fuhrman and Holland.

Referred to Committee on Appropriations.

February 7, 1989

HB 1369 Prime Sponsor, Representative Brough: Promoting improvements of waterfront sewer systems. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Pruitt, Schoon, Van Luven and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Fraser, Phillips and Sprenkle.

Passed to Committee on Rules for second reading.

February 8, 1989

HB 1385 Prime Sponsor, Representative Dellwo: Amending merger or change in insurance entity status. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Crane, Day, Dorn, Inslee, P. King, Nutley, Schmidt and K. Wilson.

Absent: Representatives Crane and Winsley.

Passed to Committee on Rules for second reading.

February 8, 1989

HB 1488 Prime Sponsor, Representative Cole: Providing for application of the Washington industrial safety and health act to the ferry system. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 20, following "federal" strike all material through "employees" on line 21 and insert "regulations at least as effective as chapter 49.17 RCW"

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 7, 1989

HB 1503 Prime Sponsor, Representative Ebersole: Relaxing bonding requirements on ferry contracts. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Cantwell, Cooper, G. Fisher, R. Fisher, Gallagher, Hankins, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Voting nay: Representative Betrozoff.

Absent: Representatives Day, Hankins, Haugen, Kremen, Nelson and Todd.

Passed to Committee on Rules for second reading.

February 7, 1989

HB 1513 Prime Sponsor, Representative Jacobsen: Restricting the use of facsimile devices for commercial solicitation. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 16, after "solicitation" insert "without making a request to the party who will receive the transmission, asking for permission to make the transmission. The transmission may only be made upon receipt of an affirmative response from the party who will receive the transmission"

Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Gallagher, Jacobsen, Jesernig, May, R. Meyers, Miller, H. Myers and S. Wilson.

Passed to Committee on Rules for second reading.

February 7, 1989

HB 1545 Prime Sponsor, Representative Schmidt: Increasing penalties for registering a vehicle in another state. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:
On page 1, after line 12, insert "In order to encourage voluntary compliance with the registration laws of this state, administrative penalties associated with failing to register a motor

vehicle are waived until September 1, 1989. It is not the intent of the legislature to waive traffic infraction or criminal traffic violations imposed prior to the effective date of this act."

On page 3, after line 28, insert:

"NEW SECTION. Sec. 3. Section 2 of this act shall take effect September 1, 1989."

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cantwell, Cooper, G. Fisher, R. Fisher, Gallagher, Hankins, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Voting nay: Representative Smith.

Absent: Representatives Day, Hankins, Haugen, Kremen and Nelson.

Passed to Committee on Rules for second reading.

February 8, 1989

HB 1561 Prime Sponsor, Representative Braddock: Creating the safe drinking water act. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprenkle, Vekich and Wolfe.

Passed to Committee on Rules for second reading.

February 8, 1989

HB 1697 Prime Sponsor, Representative Wang: Regulating industrial insurance premium investments. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 1, following line 18 insert:

"Sec. 2. Section 15, chapter 3, Laws of 1981 and RCW 43.33A.150 are each amended to read as follows:

(1) The state investment board shall prepare written reports at least quarterly summarizing the investment activities of the state investment board, which reports shall be sent to the governor, the senate ways and means committee, the house appropriations committee, the department of retirement systems, and other agencies having a direct financial interest in the investment of funds by the board, and to other persons on written request. The state investment board shall provide information to the department of retirement systems necessary for the preparation of monthly reports.

(2) At least annually, the board shall report on the board's investment activities for the department of labor and industries' accident, medical aid, and reserve funds to the senate financial institutions and insurance committee, the senate economic development and labor committee, and the house commerce and labor committee, or appropriate successor committees.

On page 1, line 2 of the title following "43.33A.110" insert "and 43.33A.150"

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 9, 1989

HB 1715 Prime Sponsor, Representative Anderson: Creating a register of public property available for development of low-income housing. Reported by Committee on Housing

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after line 28 insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 43.63A RCW to read as follows:

The department shall work with the departments of natural resources, transportation, general administration, and social and health services to identify and catalog under-utilized state-owned land and property that may be suitable to be marketed, sold, leased, or exchanged for the development of affordable housing. The departments shall provide an inventory of real property that is owned or administered by each agency, respectively, and that is suitable to

be marketed, sold, leased, or exchanged. The inventory shall include location and approximate size of the property. The inventories shall be provided to the department by November 1, 1989, with inventory revisions provided each November 1 thereafter."

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

On page 1, line 2 of the title after "housing;" strike "adding a new section" and insert "adding new sections"

Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Inslee, Padden and Rector.

Absent: Representatives Ballard and Todd.

Passed to Committee on Rules for second reading.

February 8, 1989

HB 1759 Prime Sponsor, Representative Peery: Creating the educational staff diversification act. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 2, beginning with "in" on line 19 strike all material through "education" on line 20 and insert "for an educational paraprofessional"

On page 2, line 28 after "include" insert ", but is not limited to."

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representatives Fuhrman, Holland, P. King and Schoon.

Referred to Committee on Appropriations.

MOTION

On motion of Mr. Ebersole, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider House Joint Resolution No. 4204 on the regular second reading calendar. The motion was carried.

HOUSE JOINT RESOLUTION NO. 4204, by Representatives Raiter, Wolfe, Haugen, Ferguson, Rayburn, Horn, Wood, Cooper, Todd, Doty, Nelson, Phillips and Brough; by request of Governor Gardner

Allowing the review and modification of local government.

The resolution was read the second time. On motion of Ms. Haugen, Substitute House Joint Resolution No. 4204 was substituted for House Joint Resolution No. 4204, and the substitute bill was placed on the second reading calendar.

Substitute House Joint Resolution No. 4204 was read the second time.

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

Representatives Raiter and Ferguson spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Resolution No. 4204, and the resolution passed the House by the following vote: Yeas, 96; absent, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristol, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher R. Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips,

Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 96.

Absent: Representatives Fisher G. and Mr. Speaker - 2.

Substitute House Joint Resolution No. 4204, having received the constitutional majority, was declared passed.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4614, by Representatives Miller, Hankins, Beck, Wood, Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, R. Meyers, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Youngsman and Zellinsky

WHEREAS, Representative Katherine "Katie" Allen passed away this last year after a rich and full life devoted to serving the public; and

WHEREAS, Katie graduated from the University of Denver with a Bachelor of Arts degree in Economics; and

WHEREAS, Before coming to the legislature, Katie served the public as board member and President of the Edmonds School District, member of the Snohomish Health District, Secretary-Treasurer of Puget Sound Health Systems Agency, and Councilwoman and Council President for the City of Edmonds; and

WHEREAS, Katie also spent innumerable hours serving others through her involvement in many community organizations, some of which were: Stated clerk and moderator of the Presbytery of Puget Sound, Vice-President of Totem Girl Scout Council, member of the League of Women Voters, and member of the American Association of University Women; and

WHEREAS, Katie was particularly concerned with, and made significant contributions to, the environment of our state, our colleges and universities, and the effectiveness of local government; and

WHEREAS, For nearly six years, Katie faithfully represented within this body the interests of the 21st District and the people of this state as a whole; and

WHEREAS, Katie not only earned the respect of this body for her vigilance in serving the needs of her constituents, but also for her willingness to work with all the members of this body regardless of party, personality or conviction; and

WHEREAS, Katie leaves behind friends from this House who will warmly remember her courageousness and compassion;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognizes the contributions Katie made to this body and the state, and extends heartfelt sympathy to her family and friends; and

BE IT FURTHER RESOLVED, That the Chief Clerk immediately transmit a copy of this Resolution to the family of Katie Allen.

Ms. Miller moved adoption of the resolution. Representatives Hankins, Rust, Wood, Van Luven, K. Wilson, Hine, Brough, Beck, D. Sommers, Miller, Winsley and Belcher spoke in favor of it.

House Floor Resolution No. 89-4614 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) introduced Ms. Barbara Allen, daughter of Representative Katie Allen, who was seated in the gallery. Ms. Allen was welcomed by the members of the House.

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

Representative G. Fisher appeared at the bar of the House.

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

SECOND READING

MOTIONS

On motion of Ms. Miller, Representatives Moyer was excused.

On motion of Ms. H. Myers, Representative Rector was excused.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1163 on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1163, by Representatives Haugen and Ferguson

Modifying the time period applying to filing of claims against noncharter cities and towns.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Cooper spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1163.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1163, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Mary, McLean, Meyers R, Miller, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Moyer, Rector - 2.

House Bill No. 1163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider Senate Concurrent Resolution No. 8405 on the regular second reading calendar. The motion was carried.

SENATE CONCURRENT RESOLUTION NO. 8405, by Senators Hayner, Sellar and Newhouse

Adopting the Joint Rules of the Senate and the House of Representatives.

The resolution was read the second time.

Mr. Ebersole moved adoption of the following amendment:

On page 5, line 8, rule 6, after "signatures of" strike all material down to and including "house" on line 12 and insert "a majority of the conference committee members of each house. Conference committee reports must be signed at a meeting duly convened by the chief clerk of the house for senate bills or the secretary of the senate for house bills."

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

Mr. Ebersole moved adoption of the following amendment:

On page 5, line 30, rule 8, after "signatures of" strike all material down to and including "house" on page 6, line 1 and insert "a majority of the members of the committee appointed from each house"

Ms. Brough moved adoption of the following amendment by Representatives Brough, Prince and May to the amendment by Mr. Ebersole:

On page 1 of the amendment, strike "a majority of the members of the committee appointed from each house" and insert "five members of the committee"

Representatives Brough, Silver and Padden spoke in favor of the amendment to the amendment, and Mr. Ebersole opposed it.

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

Mr. Betzoff spoke in favor of the amendment to the amendment, and Mr. Heavey opposed it.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representatives Brough, Prince and May to the amendment on page 5, line 30 by Representative Ebersole, and the amendment to the amendment was not adopted by the following vote: Yeas, 34; nays, 60; absent, 2; excused, 2.

Voting yea: Representatives Ballard, Beck, Betzoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Holland, Horn, May, McLean, Miller, Nealey, Padden, Patrick, Phillips, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 34.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Waik, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 60.

Absent: Representatives Fisher R, King P - 2.

Excused: Representatives Moyer, Rector - 2.

STATEMENT FOR THE JOURNAL

I wish to state that my vote on the amendment by Representatives Brough, Prince and May to the amendment on page 5, line 30, rule 8 by Mr. Ebersole was inadvertently miscast. My intention was to vote "Nay."

LARRY PHILLIPS, 36th District.

The Speaker stated the question before the House to be adoption of the amendment on page 5, line 30, by Representative Ebersole.

Mr. Ebersole spoke in favor of the amendment, and Ms. Brough spoke against it.

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

Representatives Padden, Betzoff and Silver spoke against the amendment, and Mr. Wang spoke in favor of it.

The amendment was adopted.

Mr. Ebersole moved adoption of the following amendment:

On page 6, line 10, rule 9, after "signatures" strike all material down to and including "house" on line 14 and insert "a majority of the members of the committee appointed from each house. Free conference committee reports must be signed at a meeting duly convened by the chief clerk of the house for senate bills or the secretary of the senate for house bills"

Ms. Brough moved adoption of the following amendment by Representatives Brough, Prince and May to the amendment by Mr. Ebersole:

On page 1 of the amendment, strike "of a majority of the members of the committee appointed from each house" and insert "five members of the committee"

Ms. Brough spoke in favor of the amendment to the amendment, and Mr. Ebersole opposed it.

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

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representatives Brough, Prince and May to the amendment on page 6, line 10, by Representative Ebersole, and the amendment to the amendment was not adopted by the following vote: Yeas, 34; nays, 61; absent, 1; excused, 2.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, Sommers D. Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 34.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crame, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky - 61.

Absent: Mr. Speaker - 1.

Excused: Representatives Moyer, Rector - 2.

Mr. Ebersole moved adoption of the following amendments:

On page 8, line 17, rule 17, after "thereof" strike "or to the heads of" and insert "((or to the heads of)) to"

On page 8, line 18, rule 17, after "government" insert "to any other branch of state government, or to any unit of local government"

On page 8, line 21, rule 17, after "rules," insert "creating or empowering joint committees, opening and"

On page 8, line 29, rule 17, after "money," insert "or relating to any joint committee"

Representatives Ebersole and Brough spoke in favor of the amendments, and they were adopted.

Mr. Ebersole moved adoption of the following amendment:

On page 17, following line 5, insert a new rule to read as follows:

"RULE 38. The legislature may convene a special legislative session as follows:

(1) A resolution calling for convening a special legislative session shall set forth the date and time for convening the session, the duration of the session which shall not exceed 30 days, together with the purpose or purposes for which such session is called. Members of the house or senate may present a proposed resolution for the convening of a special legislative session to the committee on rules of their respective houses.

(2) The authority to place a resolution convening a special legislative session before the legislature is vested in the committee on rules of the house of representatives and the committee on rules of the senate.

(3) Upon a majority vote of both the committee on rules of the house and the committee on rules of the senate in favor of a resolution convening a special legislative session, a vote of the house and senate shall be taken on such resolution.

(4) The chief clerk of the house and the secretary of the senate shall conduct the vote on the resolution by written ballot of the members of their respective houses under such procedures as may be ordered by the committee on rules of their house. The results of such vote shall be transmitted to the members of the legislature and shall be a public record and shall be entered upon the journal of the house and senate at the convening of the next legislative session.

(5) If two-thirds of the members elected or appointed to each house vote in favor of the resolution, then a special legislative session shall be convened in accordance with the resolution. (Const., art. 2, sec. 12.)"

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 8405 as amended by the House, and the resolution was adopted by the following vote: Yeas, 68; nays, 27; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Sommers H, Spaniel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, Youngsman, Zellinsky - 68.

Voting nay: Representatives Ballard, Betozoff, Bowman, Brooks, Brough, Brumsickle, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, McLean, Miller, Nealey, Padden, Patrick, Prince, Schmidt, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wolfe, Wood - 27.

Absent: Mr. Speaker - 1.

Excused: Representatives Moyer, Rector - 2.

Senate Concurrent Resolution No. 8405 as amended by the House, having received the constitutional majority, was declared adopted.

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

MOTIONS

On motion of Mr. Heavey, House Bill No. 1393 was referred from Committee on Judiciary to Committee on Health Care.

On motion of Mr. Heavey, House Bill No. 1837 was referred from Committee on Higher Education to Committee on Trade & Economic Development.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4619, by Representatives Heavey and Valle

WHEREAS, Samuel and Jessie Kenney immigrated from the Village of Ballymena in Ireland to the United States in 1864; and

WHEREAS, The Kenneys settled in Seattle in 1867, where they lived and prospered and were active charter members of Seattle's First Presbyterian Church; and

WHEREAS, Their estate created the Kenney Presbyterian Home for the elderly, dedicated in 1908 and opened in 1909; and

WHEREAS, This fine institution has grown over the years, continuing to provide needed and loving care to the elderly of Seattle; and

WHEREAS, The Kenney Presbyterian Home celebrates its eightieth anniversary on February 22;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognizes and honors the Kenney Presbyterian Home on its four-score years of accomplishments and growth and extends congratulations on this anniversary; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Kenney Presbyterian Home in Seattle.

Mr. Heavey moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4619 was adopted.

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

MOTION

On motion of Mr. Heavey, the House adjourned until 10:00 a.m., Monday, February 13, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

THIRTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, February 13, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Brekke, Doty, Locke and Mr. Speaker. On motion of Ms. Fraser, Representatives Appelwick, Brekke, Locke and Mr. Speaker were excused. On motion of Ms. Bowman, Representative Doty was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Angelique Davis and Esther Chavez. Prayer was offered by The Reverend Dennis Finch, Minister of the Christ Church of Northgate.

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

MESSAGE FROM THE SENATE

February 10, 1989

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5037,
 SENATE BILL NO. 5042,
 SENATE BILL NO. 5089,
 SUBSTITUTE SENATE BILL NO. 5106,
 SENATE BILL NO. 5136,
 SENATE BILL NO. 5246,
 SUBSTITUTE SENATE BILL NO. 5336,
 SENATE JOINT RESOLUTION NO. 8201,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 1949 by Representatives Rayburn, Nealey and Kremen

AN ACT Relating to financial and management counseling and instruction regarding agricultural operations; and making appropriations.

Referred to Committees on Agriculture & Rural Development/ Appropriations.

HB 1950 by Representatives Valle, Ferguson, Phillips and Sprengle

AN ACT Relating to motor vehicle emission control; and creating a new section.

Referred to Committee on Environmental Affairs.

HB 1951 by Representatives Silver, Fuhrman, Chandler, Wolfe, Moyer, Bowman and Brough

AN ACT Relating to state government: amending RCW 9.02.005, 26.04.165, 26.09.020, 26.09.150, 28B.104.020, 42.48.010, 43.20.025, 43.20.050, 43.20A.010, 43.20A.030, 43.20A.060, 43.20A.360, 43.20A.660, 43.20B.110, 43.21A.170, 43.21A.445, 48.21A.090, 48.42.070, 48.44.320, 48.46.040, 68.50.280, 69.04.915, 71.12.460, 71.12.480, 71.12.485, 71.12.490, 71.12.500, 71.12.520, 71.12.530, 71.12.540, 71.12.640, 70.123.030, 43.20A.600, 43.20A.615, 43.20A.620, 43.20A.625, 43.20A.640, 43.20A.645, 43.20A.650, 43.20A.655, 43.20A.665, 18.120.040, 18.122.010, 18.122.020, 18.122.030, 18.122.050, 18.122.100, 18.122.110, 18.130.020, 18.130.310, 43.24.020, 43.24.086, 19.02.040, 19.02.050, 43.24.015, 18.64.005, 18.64.009, 18.64.011, 18.64.040, 18.64.043, 18.64.044, 18.64.045, 18.64.046, 18.64.047, 18.64.050, 18.64.080, 18.64.140, 18.64A.010, 18.64A.030, 18.64A.050, 18.64A.060, 69.41.010, 69.41.075, 69.41.220, 69.50.101, 69.50.201, 69.50.301,

69.50.302, 69.50.303, 69.50.304, 69.50.310, 69.50.311, 69.50.500, 69.51.030, 69.51.040, 69.38.060, 69.43.040, 69.43.050, 69.43.090, 69.45.010, 69.45.020, 69.45.030, 69.45.070, 70.39.170, 70.38.015, 70.38.025, 70.38.035, 70.38.045, 70.38.085, 70.38.105, 70.38.111, 70.38.115, 70.38.125, 70.38.135, 43.17.010, 43.17.020, 42.17.2401, 13.40.025, 13.40.027, 13.40.030, 43.121.020, 43.121.030, 43.121.040, and 43.121.060; reenacting and amending RCW 43.20.030, 43.200.040, and 70.39.070; adding a new section to chapter 15.36 RCW; adding a new section to chapter 18.104 RCW; adding a new section to chapter 19.32 RCW; adding a new section to chapter 28A.31 RCW; adding a new section to chapter 43.83B RCW; adding a new section to chapter 43.99D RCW; adding a new section to chapter 43.99E RCW; adding a new section to chapter 70.05 RCW; adding a new section to chapter 70.08 RCW; adding a new section to chapter 70.12 RCW; adding a new section to chapter 70.22 RCW; adding a new section to chapter 70.24 RCW; adding a new section to chapter 70.40 RCW; adding a new section to chapter 70.41 RCW; adding a new section to chapter 70.54 RCW; adding a new section to chapter 18.64 RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 26 RCW; creating new sections; recodifying RCW 43.20A.600, 43.20A.615, 43.20A.620, 43.20A.625, 43.20A.640, 43.20A.645, 43.20A.650, 43.20A.655, 43.20A.665, 43.24.015, 43.20A.140, and 43.24.072; repealing RCW 18.32.326, 18.34.040, 18.64.007, 43.24.075, 43.131.253, 43.131.254, 70.38.055, 70.38.065, 70.38.145, 70.39-.030, 70.39.040, 70.39.050, 70.39.060, 70.39.090, and 13.40.035; providing effective dates; and declaring an emergency.

Referred to Committee on State Government.

HB 1952 by Representatives Braddock, Appelwick and P. King

AN ACT Relating to durable power of attorney; amending RCW 11.94.010; and adding new sections to chapter 11.94 RCW.

Referred to Committee on Judiciary.

HB 1953 by Representatives Nealey, Peery, Rayburn, Betzoff, Chandler, Silver, Grant, Ferguson, D. Sommers, McLean, Braddock, Winsley, Brough, Baugher and Horn

AN ACT Relating to the revocation of juvenile driving privileges for failure to attend school; and adding new sections to chapter 46.20 RCW.

Referred to Committee on Transportation.

HB 1954 by Representatives Van Luven, McLean, D. Sommers and Youngsman

AN ACT Relating to the state environmental policy act; adding a new section to chapter 43.21C RCW; and creating a new section.

Referred to Committee on Environmental Affairs.

HB 1955 by Representatives Bristow, Fuhrman and P. King

AN ACT Relating to tax deferrals for investment projects; amending RCW 82.61.030; adding a new section to chapter 82.60 RCW; adding a new section to chapter 82.61 RCW; and adding a new section to chapter 82.62 RCW.

Referred to Committee on Revenue.

HB 1956 by Representatives Winsley, Brekke, Heavey, Leonard, Moyer, Bristow, Padden, Ebersole, Anderson and Youngsman

AN ACT Relating to adoption; amending RCW 74.15.020 and 74.15.030; adding new sections to chapter 26.33 RCW; and prescribing penalties.

Referred to Committee on Human Services.

HB 1957 by Representatives Zellinsky, S. Wilson, Haugen, Schmidt, Walk, Vekich, R. Meyers, Sayan, Spanel and Youngsman

AN ACT Relating to the Puget Sound ferry operations account; and repealing RCW 47.60.540.

Referred to Committee on Transportation.

HB 1958 by Representatives R. Fisher, Hankins, Anderson, R. King, McLean, Sayan and Morris

AN ACT Relating to board membership and licensing requirements; amending RCW 18.25.015, 18.25.017, 18.25.020, 18.25.030, 18.25.070, 18.25.090, 18.26.010, 18.26.020, 18.26.040, 18.26.070, and 18.26.090; and adding new sections to chapter 18.25 RCW.

Referred to Committee on State Government.

HB 1959 by Representatives Todd and Crane

AN ACT Relating to fiscal assistance for fire protection districts that have Indian trust lands within their boundaries; adding a new section to chapter 43.63A RCW; and making an appropriation.

Referred to Committee on Local Government.

HB 1960 by Representatives Ferguson and Horn

AN ACT Relating to metropolitan municipal corporations; amending RCW 35.58.160, 35.58.040, and 36.56.040; adding new sections to chapter 35.58 RCW; creating new sections; repealing RCW 35.58.120, 35.58.160, and 35.58.270; and declaring an emergency.

Referred to Committee on Local Government.

HB 1961 by Representatives Hargrove, Crane and Padden

AN ACT Relating to children's services workers; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Human Services.

HB 1962 by Representative Hargrove

AN ACT Relating to liability of children's services workers; amending RCW 41.06.070, 41.06.170, and 74.14B.010; adding a new section to chapter 26.44 RCW; adding a new section to chapter 43.20A RCW; and creating a new section.

Referred to Committee on Human Services.

HB 1963 by Representatives Vekich, Brooks, Braddock, Morris, Bristow, Day, Sprenkle, Spanel, Wolfe, Rector, K. Wilson, D. Sommers, Cantwell, Jones, Wang, Todd, Prentice, Winsley, P. King, Heavey, Walk, Cooper, Jacobsen, R. King, Brough, Basich, Dellwo, Zellinsky, Kremen, Phillips, Pruitt, Nelson, Hine, G. Fisher, Rust, Rasmussen, Leonard, H. Myers, Fraser and Miller

AN ACT Relating to maternity care; amending RCW 74.09.510; adding new sections to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1964 by Representatives Prentice, D. Sommers, Braddock, Brooks, Gallagher, S. Wilson, Baugher, Cantwell, G. Fisher, Anderson and Winsley

AN ACT Relating to nursing assistants; and amending RCW 18.52B.010, 18.52B.020, 18.52B.030, 18.52B.040, 18.52B.060, 18.52B.070, 18.52B.090, 18.52B.100, 18.52B.130, and 18.52B.140.

Referred to Committee on Health Care.

HB 1965 by Representatives Hine, G. Fisher, Day, D. Sommers, Cantwell, Braddock, Cole, Dellwo and Rector

AN ACT Relating to boarding homes; and amending RCW 18.20.020.

Referred to Committee on Health Care.

HB 1966 by Representatives R. King, Cole, Rust, Todd, Phillips and Spanel

AN ACT Relating to the protection of public health and safety in the handling of hazardous waste; adding a new chapter to Title 49 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1967 by Representatives Dellwo, Silver, Vekich and Rector

AN ACT Relating to licenses to sell liquor in motels; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

HB 1968 by Representatives Braddock, Brooks, Day, Cantwell, Leonard, Prentice, Bristow, Brøkke, Vekich, Kremen, Valle, Raiter, D. Sommers, Morris, Sprenkle, Ebersole, Wineberry, H. Sommers, Cole, Hine, Basich, Anderson, Van Luven, Dellwo, Todd, Winsley,

Sayan, Cooper, R. King, Crane, Rector, Brough, Zellinsky, Phillips, Pruitt, O'Brien, Nelson, Spanel, G. Fisher, Rasmussen, H. Myers and Fraser

AN ACT Relating to long-term care; amending RCW 74.09.520, 74.09.700, 74.09.510, 11.94.050, 74.08.541, 74.08.545, 74.08.550, 74.08.570, 74.41.030, 74.41.040, 74.41.050, and 74.41.070; adding a new chapter to Title 74 RCW; adding new sections to chapter 74.09 RCW; adding a new section to chapter 84.52 RCW; creating new sections; repealing RCW 74.09.532, 74.09.534, 74.09.536, 74.09.538, and 74.09.545; making an appropriation; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1969 by Representatives Jacobsen, Prince, Spanel, Schoon, P. King, Wood, Wolfe and Miller

AN ACT Relating to the Washington high-technology center; and amending RCW 28B.20.285.

Referred to Committee on Higher Education.

HB 1970 by Representatives Appelwick, Winsley, P. King and R. King

AN ACT Relating to the purchase of tax delinquent property by the housing finance commission; amending RCW 43.180.080; and adding a new section to chapter 84.64 RCW.

Referred to Committee on Housing.

HB 1971 by Representatives Appelwick and P. King

AN ACT Relating to solemnizing marriages; and amending RCW 26.04.050.

Referred to Committee on Judiciary.

HJR 4220 by Representatives Braddock, Belcher, H. Sommers, Jacobsen, Valle, Grant, Locke, Silver, May, McLean, Youngsman, Brekke, Cantwell, Cole, Basich, Anderson, Betzoff, Schoon, Rector, Vekich, Nelson, Dorn, Inslee, Leonard and Sprengle

Authorizing the legislature to designate state office locations outside Olympia.

Referred to Committee on Capital Facilities & Financing.

SB 5037 by Senators von Reichbauer, Moore, Johnson, Stratton, Smitherman and West

Changing the composition of the board of directors of incorporated domestic insurers.

Referred to Committee on Financial Institutions & Insurance.

SB 5042 by Senators West, Smitherman, Warnke, Smith and Lee

Providing for unilateral implementation of certain public sector collective bargaining agreements.

Referred to Committee on Commerce & Labor

SB 5089 by Senators Newhouse, Talmadge and Pullen

Changing provisions relating to transferring cases between superior courts.

Referred to Committee on Judiciary.

SSB 5106 by Committee on Economic Development & Labor (originally sponsored by Senators Smitherman, Lee, Warnke, Williams and McMullen)

Developing a model shared foreign sales corporation.

Referred to Committee on Trade & Economic Development.

SB 5136 by Senators Owen, Metcalf, Amondson, Moore and Smith

Creating a fish identification card to allow greater accuracy in punchcard use.

Referred to Committee on Fisheries & Wildlife.

SB 5246 by Senators Pullen, Newhouse and Madsen

Foreclosing on deeds of trust.

Referred to Committee on Judiciary.

SSB 5336 by Committee on Law & Justice (originally sponsored by Senators Pullen, Sutherland, Newhouse, McCaslin, Talmadge, Thorsness, Nelson, Rasmussen, Benitz, Johnson, Lee, Vognild, Sellar, Metcalf, Bauer, Smith and West; by request of Governor and Attorney General)

Providing civil immunity for persons making reports to government officials.

Referred to Committee on Judiciary.

SJR 8201 by Senators Anderson, Vognild, Cantu, Conner and Johnson

Amending the Constitution to allow leases of up to fifty-five years for wharves, docks, and other structures within harbors.

Referred to Committee on Natural Resources & Parks.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

February 10, 1989

HB 1176 Prime Sponsor, Representative Nelson: Creating the energy efficiency account. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Gallagher, Jacobsen, Jesernig, R. Meyers, Miller, H. Myers and S. Wilson.

Absent: Representative May.

Referred to Committee on Appropriations.

February 10, 1989

HB 1196 Prime Sponsor, Representative Dellwo: Regulating cancellation of contracts between insurers and agents. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Anderson, Beck, Crane, Day, Dorn, Inslee, P. King, Nutley, Schmidt and K. Wilson.

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

Passed to Committee on Rules for second reading.

February 9, 1989

HB 1214 Prime Sponsor, Representative Appelwick: Changing provisions relating to the collection of nuisance abatement costs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 20 after "cases" strike everything through "inhabitants," on line 22

On page 2 line 4, strike "become a part of" and insert "be collected with"

On page 2, line 10, strike "state, county, and municipal taxes" and insert "a judgment lien"

On page 2, line 19, strike ": PROVIDED, That if" and insert "((-PROVIDED, That)). All costs of the abatement and destruction by the sheriff may be recovered in the manner or manners provided in RCW 7.48.280. If"

On page 2, line 24, after "therein," strike all material through "RCW 7.48.280," on line 25

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Belcher, Dellwo, Inslee, Locke, R. Meyers, H. Myers, Patrick, Scott, Van Luvan and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Ranking Republican Member; Hargrove, P. King, Moyer, Schmidt and Tate.

Absent: Representative Brough.

Passed to Committee on Rules for second reading.

February 10, 1989

HB 1267 Prime Sponsor, Representative Vekich: Establishing procedures regarding self-insured industrial insurance claims. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 3, beginning on line 4, after "Sec. 4." strike the remainder of section 4 and insert "The self-insurer shall request allowance or denial of a claim within sixty days from the date that the claim is filed, or the claim shall be deemed allowed. A self-insurer may request, for good cause, an extension of the deadline for an additional thirty days, if written notice of the extension is provided to the employee within forty-five days from the date the claim is filed."

On page 3, beginning on line 15, after "Sec. 6." strike the remainder of section 6 and insert "Any worker or worker's beneficiary aggrieved by a violation of sections 2 through 5 of this act, or any rule adopted thereunder, may bring suit on his or her behalf or on behalf of other workers similarly situated in the superior court of the county in which the claim arose. In addition to damages, the worker or worker's beneficiary may be awarded costs and reasonable attorney's fees."

On page 3, line 19, following "chapter" strike "51.28" and insert "51.14"

On page 1, line 2 of the title, after "chapter" strike "51.28" and insert "51.14"

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Jones, R. King, Leonard, O'Brien and Prentice.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Ranking Republican Member; Smith, Walker and Wolfe.

Passed to Committee on Rules for second reading.

February 8, 1989

HB 1269 Prime Sponsor, Representative Vekich: Revising provisions for workers' compensation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Jones, R. King, Leonard, Prentice and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Ranking Republican Member; Smith and Walker.

Absent: Representative O'Brien.

Referred to Committee on Appropriations.

February 10, 1989

HB 1286 Prime Sponsor, Representative Cantwell: Specifying how the boundaries of an industrial development district may be revised. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 17 after "commission," strike "to add land area or"

On page 2, line 10 after "districts," insert "Land areas deleted from an industrial development district under this subsection that were included within such district for less than two years, if the part district acquired the land through condemnation or as a consequence of threatened condemnation, shall be offered for sale, for cash, at the appraised price, to the former owner of the property from whom the district obtained title. Such offer shall be made by certified or registered letter to the last known address of the former owner. The letter shall include the appraised price of the property and notice that the former owner must respond in writing within thirty days or lose the right to purchase. If this right to purchase is exercised, the sale shall be closed by midnight of the sixtieth day, including non-business days, following close of the thirty day period."

Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Rector, Schoon, Tate, Walk and Youngsman.

Absent: Representative Raiter.

Passed to Committee on Rules for second reading.

February 10, 1989

HB 1298 Prime Sponsor, Representative R. King: Enforcing the payment of prevailing wages. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 7, following "to" strike all material through "law" on line 9 and insert "comply with chapter 39.12 RCW"

On page 1, line 15, following "of" strike "failure" and insert "knowingly failing"

On page 1, line 20, following "~~((workfully))~~" insert "knowingly"

On page 1, line 24, strike "workmen" and insert "~~((workmen))~~ workers"

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 8, 1989

HB 1343 Prime Sponsor, Representative Jones: Establishing procedures for determining jurisdiction in disputed industrial insurance claims and providing for benefits. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 13 following "department," insert "Benefits shall be paid at the lesser of the two benefit entitlements that may apply to the claim."

On page 1, following line 26 insert:

"(4) If the department's determination under this section is appealed, benefits shall continue to be paid until the responsible entity is finally determined."

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 8, 1989

HB 1452 Prime Sponsor, Representative O'Brien: Providing for notice of temporary total disability to the employment security department. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Voting nay: Representatives Patrick, Ranking Republican Member; Smith and Walker.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 9, 1989

HB 1458 Prime Sponsor, Representative Grant: Regarding corrections and the intrastate compact. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers and Wolfe.

Absent: Representatives Day, Vice Chair; Sprenkle and Vekich.

Passed to Committee on Rules for second reading.

February 9, 1989

HB 1467 Prime Sponsor, Representative Baugher: Creating the transportation capital facilities account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Hearvey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Walker, S. Wilson and Zellinsky.

Absent: Representatives Hankins, Nelson, Patrick, Prince, Smith and Todd.

Passed to Committee on Rules for second reading.

February 9, 1989

HB 1524 Prime Sponsor, Representative Nelson: Changing provisions relating to Washington state correctional industries. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers and Wolfe.

Absent: Representatives Day, Vice Chair; Sprenkle and Vekich.

Passed to Committee on Rules for second reading.

February 10, 1989

HB 1554 Prime Sponsor, Representative Jacobsen: Providing a program to promote organic farming and low-input agriculture. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after line 14, strike all material through "vendor." on line 28

Renumber remaining sections consecutively.

On page 2, line 31, after "section" strike "4" and insert "3"

On page 1, line 2 of the title, after "RCW 15.86.010," strike "15.86.020."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Chandler, Grant, Jesernig, McLean, H. Myers, Rasmussen and Youngsman.

Absent: Representatives Doty and Youngsman.

Referred to Committee on Appropriations.

February 9, 1989

HB 1653 Prime Sponsor, Representative Appelwick: Regulating credit agreements. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Luven and Wineberry.

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

Absent: Representatives Brough, Scott and Van Luven.

Passed to Committee on Rules for second reading.

February 9, 1989

HB 1793 Prime Sponsor, Representative Ebersole: Creating the Omnibus Alcohol and Controlled Substance Act of 1989. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Dellwo, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate and Van Luven.

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

Voting nay: Representatives Belcher, Hargrove, Locke and Wineberry.

Absent: Representative Brough.

Referred to Committee on Appropriations.

February 9, 1989

HB 1814 Prime Sponsor, Representative Phillips: Creating the cultural diversity in-service training program for teachers. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 12 strike "shall develop a three-day" and insert "may grant funds to select school districts to conduct a"

On page 1, line 15 strike "The superintendent of public instruction" and insert "The selected school districts"

On page 1, line 16 after "individuals" insert ", the office of the superintendent of public instruction."

On page 1, line 20 after "act" strike all material through "training" on line 22

On page 2, after line 3 insert:

"(3) The school district shall describe the multicultural training program it plans to offer and shall identify whether the program will be provided by district personnel or whether the district will contract with the office of the superintendent of public instruction, other individuals, or organizations for this service."

Renumber the remaining subsections consecutively.

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betrozoff, Ranking Republican Member; Brumsickle, Cole, Fuhrman, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representatives Dorn and P. King.

Referred to Committee on Appropriations.

MOTION

On motion of Mr. Ebersole, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

POINT OF PERSONAL PRIVILEGE

Mr. Youngsman: I hope that some of you are a bit curious about the primroses on your desks this morning. I did intend that these traditional spring flowers would help us forget winter for a while, and I hope that these colorful flowers will help you visualize the nicer weather yet to come. I also wanted to draw attention to a major event this weekend in Seattle, an event that provides another opportunity to forget, for a moment, that it is winter. The event is the Northwest Flower and Garden Show. The Flower and Garden Show is noteworthy for two reasons. One, it is the first major public show held in the Washington State Trade and Convention Center. That facility is one that the Legislature has made a commitment to support, and the event is an important opportunity to attract the public along with industry representatives to this facility. Second, flower growing is a major industry in the State of Washington. Whether it is primroses, tulips or rhododendrons, growing flowers is one of the things we do best in Washington. This event will showcase the quality that has created worldwide demand for flowers grown in Washington. This major event, featuring twenty-four demonstration gardens averaging one thousand square feet each, begins this Friday and continues through next Monday. Other features include fifty children's gardens, a Boeing Space Garden with a real astronaut, and appearances by Ed Hume and Merlin Olson among other notables. This event promises to be a showcase for the Washington flower industry and a showcase for our Washington State Trade and Convention Center. Enjoy the flowers and enjoy the show. Thank you.

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced that the following members had been appointed to the 1989 Memorial Committee: Speaker Pro Tempore John

L. O'Brien, Chairman; Representative Ruth Fisher, Representative Jennifer Belcher, Representative Louise Miller and Representative Curt Smith.

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

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1205 on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1205, by Representatives Sayan, O'Brien, Heavey, Day, Ferguson, Ballard, Zellinsky, Jones, Basich, Prentice, Leonard, Rayburn, Rasmussen, Dorn, R. King, R. Meyers, Hargrove, Rector, Anderson, P. King and Kremen

Recording of honorable discharges.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Cooper spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1205.

Representatives Sayan and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1205, and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 93.

Excused: Representatives Appelwick, Brekke, Doty, Locke, and Mr. Speaker - 5.

House Bill No. 1205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1290 on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1290, by Representatives K. Wilson and Beck

Establishing a new geographic coordinate system for Washington.

The bill was read the second time.

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

The Speaker stated the question before the House to be the final passage of House Bill No. 1290.

Representatives K. Wilson and Beck spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1290, and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers

H. Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 93.

Excused: Representatives Appelwick, Brekke, Doty, Locke, and Mr. Speaker - 5.

House Bill No. 1290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

Mr. Speaker appeared at the bar of the House.

The Speaker called the House to order.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1080 on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1080, by Representatives Kremen, Braddock, May, Spanel and Zellinsky

Broadening vessel registration exemptions.

The bill was read the second time.

Mr. Baugher moved that the committee recommendation be adopted (For committee amendment, see Journal, 29th Day, February 6, 1989.) and the bill be advanced to third reading. Mr. Kremen spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1080.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1080, and the bill passed the House by the following vote: Yeas, 93; absent, 1; excused, 4.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representative O'Brien - 1.

Excused: Representatives Appelwick, Brekke, Doty, Locke - 4.

Engrossed House Bill No. 1080, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

On the Roll Call Transcript for Monday, February 13, 1989, after the Speaker appeared at the bar of the House and returned to the rostrum, I voted "Yea" on Engrossed House Bill No. 1080. The Roll Call Transcript indicates I was absent. I believe the voting machine was not returned to my seat on the floor causing the vote not to be recorded. I would greatly appreciate your indicating this in the Journal.

JOHN L. O'BRIEN, 37th District.

Representative Appelwick appeared at the bar of the House.

On motion of Mr. Ebersole, the House advanced to the seventh order of business.

THIRD READING

INITIATIVE NO. 99, by request of the Citizens of Washington State

Presidential Primary.

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

Representatives R. Fisher, May, Hankins and Day spoke in favor of passage of the initiative, and Representatives Fuhrman and Nealey opposed it. Representatives Hine, Vekich and Walker spoke in favor of the initiative, and Mr. Fuhrman again opposed it.

ROLL CALL

The Clerk called the roll on the final passage of House Initiative No. 99, and the initiative passed the House by the following vote: Yeas, 89; nays, 6; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betrozoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Beck, Chandler, Fuhrman, Nealey, Padden, Wolfe - 6.

Excused: Representatives Brekke, Doty, Locke - 3.

House Initiative No. 99, having received the constitutional majority, was declared passed.

(See Journal, 3rd Day, January 11, 1989, EDITOR'S NOTE regarding corrected copy of Initiative to the Legislature No. 99, Chapter 4, Laws of 1989.)

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

MOTIONS

On motion of Mr. Ebersole, House Bill No. 1394 was referred from the suspension calendar to Committee on Rules.

On motion of Mr. Ebersole, House Bill No. 1457 was referred from Committee on Rules to Committee on Appropriations.

On motion of Mr. Ebersole, House Joint Resolution No. 4219 was referred from Committee on Local Government to Committee on Revenue.

On motion of Mr. Ebersole, Engrossed Substitute Senate Bill No. 5018 was referred from Committee on Judiciary to Committees on Agriculture & Rural Development/Judiciary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE INITIATIVE NO. 99.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4621, by Representatives Jacobsen, Prentice, Anderson, J. King, Ebersole, Jones, Belcher, Leonard, Brooks, Ballard, Wang, Bristow, Brekke, Locke, H. Sommers, Heavey, Vekich, Wineberry, Appelwick, Inslee, Nutley and Miller

WHEREAS, The two-hundred fifteen years of Hispanic presence in the State of Washington have contributed to our strong and diverse cultural fabric; and

WHEREAS, The State of Washington recognizes the important and far reaching contributions of its Hispanic residents to our social and economic development; and

WHEREAS, Alfredo Arreguin is an internationally renowned artist and 1989 centennial AMERICAS Hispanic Humanitarian Award recipient for outstanding artistic achievement, dedication to the pursuit of excellence and significant contributions to the Hispanic community and our state; and

WHEREAS, Dr. Erasmo Gamboa is our state's other 1989 centennial AMERICAS Hispanic Humanitarian Award recipient for outstanding scholarly achievement, excellence in teaching and historical documentation of the Hispanic experience in Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commends Mr. Arreguin and Dr. Gamboa and all members of the Hispanic community for the notable contributions and achievements above noted; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the AMERICAS Institute for Art, History and Culture.

Mr. Jacobsen moved adoption of the resolution. Representatives Jacobsen and Miller spoke in favor of the resolution.

House Floor Resolution No. 89-4621 was adopted.

SPEAKER'S PRIVILEGE

The Speaker introduced Mr. Alfredo Arreguin and Dr. Erasmo Gamboa, who were seated in the gallery. Mr. Arreguin and Dr. Gamboa were welcomed by the members of the House.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Wednesday, February 15, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

THIRTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, February 15, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Julie Nelson and Sara Koopman.

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

Prayer was offered by The Reverend Robert Jeffery, Pastor of the New Hope Baptist Church of Seattle.

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

INTRODUCTION OF VISITING DIGNITARIES

Mr. Speaker: When I was reminded that it was protocol for the Speaker to introduce The Reverend Jackson, I thought the moment might be a little awkward. We know this man. We have seen more than a quarter of a century of Jackson action.

Jesse Jackson has been introducing himself for a long time. He introduced himself to Martin Luther King and stood with him from Selma to that terrible day in Memphis. He introduced Operation Push to generations of young people and taught them to strive for excellence. He introduced himself to kids threatened by drugs and brought them to their senses. He introduced himself to Lieutenant Robert Goodman and brought him home. He has introduced himself to millions of people, who have nothing but deprivation and despair, and he brought them hope and a sense of self-worth and a sense of purpose and passion and compassion and inspiration and faith and love.

Yes, we know this man. Many of us have followed him; many of us have disagreed with him. Many of us have prayed with him, and many of us have prayed for him. Many of us voted for him to be our President. But all of us--all of us--have been challenged by him.

This man needs no introduction from me. But for the sake of protocol, I'll say: Honorable members, ladies and gentlemen, the pride of the Rainbow, The Reverend Jesse Jackson.

Reverend Jackson: To the esteemed Governor of this great state; to the members and leaders of this august body; to a friend and brother beloved with whom I have lived and grown up for nearly twenty-five years, Senator Fleming; to Jesse Wineberry, one of the upcoming young leaders of our day; to all of you who are gathered here this morning on this very special occasion for me and this tremendous opportunity to share with you, the people who can make a difference:

I want to talk for a few moments about the quest for the moral center. What is unique about our country, having come from corrupt kings and potentates and the narrow confines of freedom through royal blood, is that all of God's children have royal blood. That everybody is somebody. That we would have a government not from top down, but from bottom up, and not a government that would be exclusive, but one that would be inclusive. A government of, for and by the people. A government rooted in the integrity of the common man and the common woman. The critical issues of our day are not left wing or right wing. These are convenient labels for lazy people who choose not to think, just join a wing and close their eyes and say, "I am a liberal." "I am a conservative." I am not sure that either of those

wings express the critical point of this hour. It's not left wing; it's not right wing. It's not boundless liberalism; it's not static conservatism. It's not a convenient label. It is the moral center that transcends the labels and historic boundaries. If it is morally right, it will become politically right. It may be politically right, but never become morally right. Hitler's Germany, Mussolini's Italy, Botha's South Africa—all represent power, but do not represent goodness or represent moral authority. The end of slavery was not about the left-wing abolitionists and the right-wing slave masters, it was about the immorality of the institution itself. And so, as we sought to end slavery and the shame and burden of our nation, we sought to end racial segregation and sexist exploitation. It was not about left or right; it was about the moral center.

As we meet this morning our children are at risk. When I leave here and dash back to Seattle, I will go to Garfield High. As I have gone to high schools and middle schools all across our nation, I ask our children several basic questions and wish that you were there to witness it for yourselves. Since there are a number of youth in the balconies today, do respond to this question, if you will, because we need to share. How many of you in the audience today know someone who is dead because of drugs? Please stand. If you know someone who is in jail because of drugs, please stand. If you know someone in your school who has tried drugs, please stand. If you know of someone who has contemplated suicide, please stand. My friends, this is not about left or right, or Republican or Democrat. This is about the moral center. The great issues of our day challenge us, therefore, to find common ground.

In the last eight years seven hundred thousand family farmers have been driven from their land with no place to go. Rural hospitals close; houses are cold; often lights are turned off. These farmers fed America and fed the world. Fair prices for farmers.

Workers. There was a big debate two weeks ago about raising the salaries of Congress people. Congress people and judges ought to get paid. Legislators ought to get paid. But this is a government of, for and by the people. Thus, we must lift as we climb. If their raise had been linked to a raise in the minimum wage, it would have had some moral foundation. The people who sent them to Congress, who made them judges, have been making \$3.35 an hour for eight years, which is now worth \$2.51 an hour. They can't catch the bus cheaper or buy bread cheaper or buy milk cheaper or educate their children cheaper or buy clothes cheaper. We must keep the original contract and lift those most stuck at the bottom.

We must stop drugs from coming in, cut off the supply of and demand for drugs. In Washington, D.C. alone, in January, fifty people were killed because of drugs—not Communism, not an alien ideology, not from the Soviet Union—drugs. Cocaine, crack, heroin. If we had lost that many people across the whole nation because of some alien ideology, we would say, "Let us bear arms." But we have developed a tolerance for drugs' use and abuse. It leaves us vulnerable to the number-one killer of our day—drugs.

Automatic weapons. I believe it is constitutionally sound to have the right to bear arms, to protect your household. But what do Uzis and AK47s and automatic weapons, not designed to hunt animals and owned by people in our streets, have to do with the fundamental right to bear arms and the need to do so?

If a pregnant woman gets prenatal care for nine months, it would cost less than nine hundred dollars. Without prenatal care a low-birth-weight baby will cost up to one thousand dollars a day for up to twenty weeks in a hospital. Morally right, cost efficient prenatal care. If one goes to the University of Washington for four years on a full academic scholarship, it will cost less than forty thousand dollars. Those same four years at the Washington State Penitentiary will cost more than one hundred and ten thousand dollars. The schools at their worst are better than jails at their best. It just makes sense to choose prenatal care and Headstart and day care on the front side of life, rather than jail care and welfare and despair on the back side of life.

Dealing with the homeless is fundamentally moral. Jesus said that birds have nests and foxes have holes. The common man, the common people, have no place to lay their heads. It is a moral challenge to house the homeless. That there are homeless is not disconnected from Mr. Reagan's cutting the HUD budget from

thirty-two billion to nine billion dollars in eight years. Tents for the masses and condos for the classes--it breaks the basic contract of the American promise.

Small business loans. It is a civil right to vote. It is also a civil right to borrow, a civil right to lend. That is what makes our economic system work.

We should take the politics out of registration. Politics should be who you vote for, not access to voting. On-site, same-day registration is reasonable. If you leave here and get a traffic ticket, in a matter of seven minutes, while they are writing you a ticket, the computer is running and the other tickets you didn't pay pop up on the machine, because we are just that computerized. We can reduce fraud at the polls by making it accessible. When only forty-nine percent of our people vote, it should be a signal for us all.

When our last baby was born, we convinced ourselves that it was going to be a boy and it was a girl. We weren't prepared for the name. We had all those blue clothes and had to change them to pink. The first day the doctor said, "What's the baby's name?" We said, "We'll get back to you." The second day--"What's the baby's name?" "We'll get back to you." The third day, we said, "The baby's name is...." He said, "That's all right. Go downtown. Put your baby's name by your baby's number. It's in the system."

Some years ago my father died. Through all the pain, searching for clothes and caskets and insurance and all of that, the funeral director eased up and said, "But we must have you sign this, your daddy's death certificate."

From birth certificate to death certificate, from womb to tomb, we are registered. From the age of eighteen the most fundamental right in our democracy is the right to vote. Let's take the pain and cost out of registration. On-site, same-day registration is the democratic way.

There is no right more fundamental than the right to breath free, and you cannot breath free if our air is polluted and our waters contaminated and our earth is poisoned.

Comparable worth for women. Half of the nation's poor children live in a house headed by a woman where there is no man. You can't run the men home. At least the women who work should get paid and should have day care as incentives. It is fair and it is right. We have learned to right our wrongs. Comparable worth for women will correct a wrong.

Civil rights for those who were denied them was correcting a wrong. Reparation for the Japanese was correcting a wrong. Helping to build the state of Israel for Jewish people was right and helped to correct a wrong. Therefore, honorably agreeing to a treaty with the Indians is the right thing to do. I am glad your city has taken the offensive on it. It is the right thing to do.

The last of the questions becomes this to every legislature: Who will pay the bill? Who will pay the bill? Where do we find common ground on that? I'm a conservative. I'm a liberal. That doesn't answer the question. Who will pay the bill? If we have more and more services to render and fewer and fewer resources, you cannot hide behind liberal or conservative or black or white or brown or male or female. Who is going to pay the bill? Who is going to pay for Reagan's party? Let those who had the party pay for the party, and let's look at who was at the party.

The first issue is that we are now a debtor nation. Every time you ask for more money from Washington, they remind you that we are in debt; we have a deficit. You are being held hostage to that budget and those priorities. Burden-sharing is the watchword. Europe and Japan are now creditor nations. We are now a debtor nation. Why are they creditor nations and why are we a debtor nation? Is it that they are smarter? Is it that they work harder? Or is it the formula? Today Great Britain, Japan, West Germany, Taiwan and South Korea have twenty- and thirty-year, two-percent loans for development. Twenty- and thirty-year, two-percent loans can develop anybody. Investing in their development was the right thing to do, but when you combine twenty- and thirty-year loans at two percent, backed up by governments that aren't spending one hundred and fifty billion dollars a year for their defense, they are building their cities, while ours collapse. Now that they are out of the hole, now that they are creditor nations, now that Taiwan is realizing surpluses of three million dollars a month, they must now help share the burden of their own defense. Use some of that money in the State of Washington and educate our children. It is not just a matter of taxing the rich. It is not just a matter of rich,

poor, black, white. It is even more fundamental than that. These are creditor nations who are now preparing for a war that will not be fought and weapons that cannot be used. We need to change some assumptions.

Secondly, the savings and loan bailout. The Marshall Plan cost fifty billion dollars. The savings and loan bailout will cost about one hundred and thirty billion dollars—three times more than The Marshall Plan. And in one form or another you will pay for it. No matter what is said about the savings and loan plan, you read my lips: You will pay for it. If George Bush can say, "Keep hope alive," and not give me credit, I can say, "Read my lips," and not give him credit. A one hundred and thirty billion dollar bailout. Three times more than The Marshall Plan. When you start arguing about day care, money for a drug war, raising the minimum wage, you are strapped with all these burdens and few resources, while the treasury has been ripped off and we've all been violated. We need to have hearings in this state and every state. I talked to Congressman McDermott this morning and he agrees with it. Any bailout must be linked to greenlining the redlines, if, in fact, they greenline the redline and loan money for housing development and short ventures. Private and government loan money for refurbishing housing and loan money for small business development. The redline is Mr. Bush's enterprise zone. If they spent the money, that's the enterprise for the zone. That ties in with an affordable housing plan. Just have hearings—not to raise taxes. Just demand that the money already allocated, backed up by the government, goes to where it should go by law. Let's greenline the redline and make any S&L bailout an investing of a percent of their portfolio in those zones that they have violated. That doesn't cost money; it just costs sense.

Lastly, I just left the Soviet Union. There are some interesting things happening there, and I close on this note. You, who live in Washington, know that in a real sense they are your next door neighbors. There are some fundamental shifts taking place. We must hope that they succeed. A fundamental shift from killing and be killed to live and let live. Some fundamental shifts are taking place. The Goodwill Games, being held in this state, represent a step in the right direction. They represent adding the guts and character to glasnost and perestroika. Some fundamental shifts are taking place. Disarmament. Nuclear verifiable disarmament. A move away from a time for the war that will not be fought and weapons that must not be used. A move from military confrontation to economic cooperation. A move from military contests to economic contests. What do I mean by that? When Mr. Gorbachev worked out a new agreement with China, with which he shares five thousand miles of border, a move was made from military confrontation to economic cooperation. The Chinese represent a one-billion-customer market to Mr. Gorbachev. As he leaves Cuba and goes to Great Britain and to Bonn, West Germany, as he argues the case to the western Europeans that he is ceasing to be a military competitor and now wants to engage in joint economic partnerships, the western Europeans will see three hundred million customers next door. Assumptions are changing. We cannot get trapped while these fundamental economic assumptions are taking place between the Soviets and China and Europe. We are going to monitor what he says. Yes, monitor what he says. Verify his commitment, but match his deeds.

That's why the coalition of "English only" must be seen in the light of our interest as a world. We are a great nation, a God-blessed nation. We are just one third of this hemisphere, however. Two-thirds of our neighbors, our allies, our customers speak Spanish and Portuguese, four hundred million people. We are six percent of the world's population; the Soviets are six percent. When Gorbachev and Bush meet, that will be one-eighth of the human race, which means it is a minority meeting because seven-eighths are not in the meeting. The ultimate bane of "English only" is assuming that it is the only language we can speak. Number one, it says something about our lack of intelligence. But more than that, it denies us access to our customers. The most fundamental responsibility industry has is to speak the language of its customers. Since half of all human beings are Asian and half of them are Chinese; one-half billion people are African, one-eighth of the human race; several hundred million Indians, two hundred million more than the Soviets and Americans combined; four hundred million Latin Americans—since most people in the world are yellow, are brown, are black, are non-Christian, are

poor, are female, are young or don't speak English, we must learn to speak the language of our customers. We must communicate to this world. It is the right thing to do. It is also cost efficient.

How do we measure it? We measure it by character. Of course we measure it by character. How we treat our children, who are at risk in the dawn of life. How we treat poor people in the pit of life. How we treat old folks in the sunset of life. How we treat the stranger on the Jericho Road. Common ground. The moral center. These are our children. They are at risk. Their salvation is our duty and our moral obligation. We cannot just sit here in this legislature today as Republicans and Democrats, blacks and whites, conservatives and liberals. We must find common ground.

The Bible teaches us that even lions and lambs, one day--even lions and lambs--will find common ground. That is a strange combination because lions have a habit of eating lambs, and lambs learn to run from lions. But the Bible suggests a rare thing, that one day lions and lambs will lie together. And when that happens, there will be peace in the valley, because extremes will have come together. What will make lions and lambs work out a coalition? What do lions and lambs have in common? It is that neither of them want the forest to catch on fire. Neither of them want polluted air and contaminated water. Neither lion nor lamb want to be trapped in a nuclear holocaust. Even lions and lambs in the jungle are at a point where they must find the moral center.

Here we are today with a chance to do a great thing--to find the moral center. Beyond racism, beyond sexism, beyond anti-Semitism, beyond Asian-bashing, beyond fear, beyond war, we can do a great thing today. Find common ground. Find the moral center. Challenge our youth to say, "Down with dope and up with hope and give life a chance." We can do a great thing today. Challenge our allies to share their part of the burden. Make the savings and loan bailout the bailing out of your state and America. Release states from being held hostage by budgets built up by the war that will not be fought. We can do a great thing today. We can find common ground.

And so I leave this place to go back to our children, to convince them to hold on, that help is on the way; to tell them, though it has been dark, do not despair, that morning comes. Do not surrender, that morning comes.

We have been blessed to live in a great nation with a great contract. "Give me your tired, your poor, your huddled masses, who yearn to breathe free." That is a great contract.

"A government of, by and for the people." Everybody has royal blood. A great contract.

Respect women. Honor our children. Embrace our leadership. A great contract.

Choose the human race over the nuclear race and give peace a chance. A great contract.

Invest in people and reinvest in America. A great contract.

If My people will call Me by My Name,--and we are God's children--will humble themselves and pray and seek My face and turn from their wicked ways, then they will hear from Heaven and God will heal their land. And God will heal our land. And God bless America. Thank you very much.

APPOINTMENT OF SPECIAL COMMITTEE

The Speaker appointed Senator George Fleming and Representative Jesse Wineberry as a special committee to escort The Reverend Jesse Jackson from the House Chambers.

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

MESSAGE FROM THE SENATE

February 13, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5085,
ENGROSSED SENATE BILL NO. 5119,
SUBSTITUTE SENATE BILL NO. 5142.

SUBSTITUTE SENATE BILL NO. 5144,
SENATE BILL NO. 5172,
SENATE BILL NO. 5368,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 1972 by Representatives Hargrove, Jones, Phillips and Basich

AN ACT Relating to oil shipment; amending RCW 90.48.390 and 90.48.350; and adding new sections to chapter 90.48 RCW.

Referred to Committee on Environmental Affairs.

HB 1973 by Representatives Hargrove, Bristow, Padden, Scott, Tate, P. King and Fuhrman

AN ACT Relating to children; amending RCW 13.34.145 and 26.44.115; reenacting and amending RCW 2.56.030 and 13.34.130; and adding a new chapter to Title 13 RCW.

Referred to Committee on Human Services.

HB 1974 by Representatives Jacobsen, Peery, Nelson and Anderson

AN ACT Relating to the naming of a state fossil; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1975 by Representatives Doty, Brooks, Rayburn and Baugher

AN ACT Relating to the use of cabulance type vehicles for transporting patients on stretchers; and amending RCW 18.73.180.

Referred to Committee on Health Care.

HB 1976 by Representatives Prentice, S. Wilson, Gallagher, Baugher, Schmidt and Walk

AN ACT Relating to the project cost evaluation pilot program; amending RCW 47.28-.190 and 47.28.200; and amending section 5, chapter 424, Laws of 1987 (uncodified).

Referred to Committee on Transportation.

HB 1977 by Representatives Locke, Silver, Phillips, H. Sommers, Brough, Vekich, Winsley, Hankins, Anderson, Ferguson, Wood, D. Sommers, Todd and Horn

AN ACT Relating to fortified wine; amending RCW 66.24.370, 66.16.100, and 66.24.015; adding a new section to chapter 66.24 RCW; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1978 by Representatives Jacobsen, Nelson and Belcher

AN ACT Relating to the state building code; amending RCW 19.27.031, 19.27.040, 19.27.060, and 19.27.074; and creating a new section.

Referred to Committee on State Government.

HB 1979 by Representatives Haugen, Wood and Cooper

AN ACT Relating to the authority of cities and towns with sewer systems extending beyond their limits to compel county residents to hook up to the system; and amending RCW 35.21.210 and 35A.21.150.

Referred to Committee on Local Government.

HB 1980 by Representatives Peery, Padden, Hargrove, H. Myers, Cantwell, Brough, Winsley, Belcher, G. Fisher, Heavey, Holland, Phillips, Dellwo, Valle, P. King, Pruitt, Leonard, Spanel, Cooper and Morris

AN ACT Relating to job sharing in school and educational service districts; and adding a new section to chapter 28A.58 RCW.

Referred to Committee on Education.

HB 1981 by Representatives Moyer, Leonard, Patrick, Day, Padden, Brooks, Wolfe, Rector, Schmidt, Crane, Inslee, Fuhrman, Doty, Dellwo and Winsley

AN ACT Relating to retirees under the public employees' retirement system; and amending RCW 41.40.010 and 41.40.690.

Referred to Committee on Appropriations.

HB 1982 by Representatives Van Luven, P. King, Hargrove, Padden, Crane, Schmidt, Scott, R. Meyers, Appelwick, Patrick, Ferguson, Winsley, Wood, Tate, Brough, D. Sommers, Smith and Horn

AN ACT Relating to mandatory sentences for certain crimes involving controlled substances; amending RCW 69.50.401; and prescribing crimes.

Referred to Committee on Judiciary.

HB 1983 by Representatives Appelwick, P. King and Crane

AN ACT Relating to contempt of court; amending RCW 5.56.061, 7.43.110, 7.43.120, 7.48.080, 7.80.160, 10.01.180, 10.14.120, 11.64.022, 13.32A.250, 13.34.165, 18.72.190, 18.130.070, 18.130.190, 26.09.160, 26.18.050, 26.44.067, 41.56.490, 47.64.140, 79.01.704, and 82.32.110; adding a new chapter to Title 7 RCW; repealing RCW 7.20.010, 7.20.020, 7.20.030, 7.20.040, 7.20.050, 7.20.060, 7.20.070, 7.20.080, 7.20.090, 7.20.100, 7.20.110, 7.20.120, 7.20.130, 7.20.140, and 9.23.010; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1984 by Representatives Hargrove, Belcher, Basich, Jones, Sayan, Raiter, Vekich, Beck, Brumsickle, Bowman, Doty, Winsley, Kremen, Cooper and H. Myers

AN ACT Relating to preparing a timber supply assessment; creating new sections; and making an appropriation.

Referred to Committee on Natural Resources & Parks.

HB 1985 by Representatives Hargrove, Belcher, Basich, Jones, Sayan, Raiter, Vekich, Beck, Brumsickle, McLean, Bowman, Doty, Winsley, Cooper and H. Myers

AN ACT Relating to timber inventory and assessment; creating new sections; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources & Parks.

HB 1986 by Representatives Cole, Phillips, Leonard, Valle, Anderson, Scott, Jones, Brekke, Pruitt, Jacobsen, Nelson, R. King, Belcher, R. Fisher, Todd, Rust, Spanel, Nutley, Fraser, Van Luven, Basich, Wang, Prentice, Sprengle, Wood and Wineberry

AN ACT Relating to corporal punishment in school; and creating a new section.

Referred to Committee on Education.

HB 1987 by Representatives Cole, Patrick, Anderson, Winsley and R. King

AN ACT Relating to private security/private investigator licensing; adding a new chapter to Title 18 RCW; prescribing penalties; making an appropriation; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1988 by Representatives S. Wilson, Haugen, Bowman, Vekich and Smith

AN ACT Relating to creating a fishery management study committee; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Fisheries & Wildlife.

HB 1989 by Representatives R. King and Patrick

AN ACT Relating to industrial insurance appeals; and amending RCW 51.52.120.

Referred to Committee on Commerce & Labor.

HB 1990 by Representatives Vekich and Bristow

AN ACT Relating to telecommunications; and amending RCW 80.66.010.

Referred to Committee on Energy & Utilities.

HB 1991 by Representatives Phillips, Belcher, Sayan, Sprengle, Brough, Brumsickle, G. Fisher, Peery, Pruitt, Schoon, Rayburn, Cole, Holland and Valle

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

Referred to Committee on Education.

HB 1992 by Representatives Holland, Peery, Brough, Jacobsen, Miller and P. King

AN ACT Relating to providing for special programs for academically highly capable students in the common school system; amending RCW 28A.58.217; and creating a new section.

Referred to Committee on Education.

HB 1993 by Representatives Rasmussen, Nealey, Dorn, Rayburn, McLean, Baugher, Youngsman and Kremen

AN ACT Relating to the labeling of poultry products; adding a new section to chapter 69.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Rural Development.

HB 1994 by Representatives Cole, Nelson, Haugen, Jacobsen, R. Fisher, Vekich and P. King

AN ACT Relating to travel promoters; amending RCW 19.138.010, 19.138.020, 19.138-030, 19.138.040, 19.138.050, 19.138.060, and 19.138.080; adding new sections to chapter 19.138 RCW; repealing RCW 19.138.070; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1995 by Representatives Nelson, Beck, Zellinsky, P. King, Todd, Cole, Belcher, Spanel and Rasmussen

AN ACT Relating to retail heating oil dealers; adding a new chapter to Title 43 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Energy & Utilities.

HB 1996 by Representatives McLean, R. Fisher, Ballard, Rector, Rayburn, Miller, Brumsickle, Holland, Sayan, Prince, Anderson and Winsley

AN ACT Relating to voter registration cancellation; amending RCW 29.10.180; and repealing RCW 29.10.190.

Referred to Committee on State Government.

HB 1997 by Representatives McLean, Rayburn, Chandler, Haugen, Schoon, Grant, Moyer, Day, Smith, Prince, Hankins, Cantwell, Doty, Bristow, Brumsickle, Nealey, Ballard, Walk, R. Meyers, Hine, Baugher, Ferguson, Dellwo, Rector, Fuhrman, Brough, Bowman and Inslee

AN ACT Relating to the air cargo opportunity study; creating new sections; and making an appropriation.

Referred to Committees on Trade & Economic Development/ Appropriations.

HB 1998 by Representatives Cantwell, Schoon, Wineberry, Winsley, P. King and R. King

AN ACT Relating to the establishment of a labor-management cooperation program; adding a new chapter to Title 49 RCW; and making an appropriation.

Referred to Committee on Trade & Economic Development.

HB 1999 by Representatives Cantwell, Schoon, Hargrove, Rasmussen, Moyer, Walk, Doty, Winsley and P. King

AN ACT Relating to flexible manufacturing networks; creating new sections; and making an appropriation.

Referred to Committee on Trade & Economic Development.

HB 2000 by Representatives Rayburn, Chandler and Baugher

AN ACT Relating to agricultural marketing; adding a new chapter to Title 15 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Agriculture & Rural Development.

HB 2001 by Representatives Rayburn, Baugher and Sayan

AN ACT Relating to livestock; amending RCW 16.04.010, 16.16.020, 16.24.065, 16.24.070, 16.13.020, 16.13.050, 16.24.090, 16.20.010, 16.28.160, 16.20.035, 16.04.025, 16.57.010, 16.57.290, 16.57.300, and 16.57.410; adding a new section to chapter 16.04 RCW; recodifying RCW 16.16.020, 16.13.020, 16.13.050, 16.28.160, 16.20.010, 16.13.030, 16.13.040, 16.13.060, 16.13.070, 16.13.080, 16.20.020, 16.20.030, 16.20.035, and 16.28.165; repealing RCW 16.28.170, 16.12.010, 16.12.020, 16.12.030, 16.12.070, 16.12.080, 16.12.090, 16.12.100, 16.12.110, 16.13.010, 16.13.090, 16.16.010, 16.16.030, 16.16.040, 16.16.050, 16.16.060, 16.20.040, 16.13.025, and 16.57.295; and prescribing penalties.

Referred to Committee on Agriculture & Rural Development.

HB 2002 by Representatives Rayburn, Baugher and Sayan

AN ACT Relating to agricultural livestock liens; amending RCW 60.56.010 and 60.56.050; and adding a new section to chapter 60.56 RCW.

Referred to Committee on Judiciary.

HB 2003 by Representatives Rayburn, Baugher, Sayan and Rasmussen

AN ACT Relating to the labeling of meat; and amending RCW 16.49A.570.

Referred to Committee on Agriculture & Rural Development.

HB 2004 by Representatives Van Luvan, P. King, Brough, Appelwick, Scott, Schmidt, Miller, Winsley, Sayan, Patrick and Bowman

AN ACT Relating to treatment for inmate substance abusers; reenacting and amending RCW 9.94A.150; adding a new section to chapter 9.94A RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2005 by Representative R. Fisher

AN ACT Relating to statements used to describe ballot propositions; amending RCW 29.27.060, 29.27.065, and 29.27.067; adding new sections to chapter 29.27 RCW; and declaring an emergency.

Referred to Committee on State Government.

HB 2006 by Representatives Sayan, R. Fisher and Morris

AN ACT Relating to the personnel director; and amending RCW 28B.16.060.

Referred to Committee on State Government.

HB 2007 by Representatives R. Fisher, Hine, Smith, Baugher, Miller and Doty

AN ACT Relating to water resource policy; amending RCW 90.54.024, 90.54.030, 90.54.040, 90.54.050, and 90.22.010; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources & Parks.

HB 2008 by Representative R. Fisher

AN ACT Relating to elections; amending RCW 29.01.006, 29.01.050, 29.18.015, 29.18.022, 29.21.010, 29.27.020, 29.27.050, 29.30.010, 29.30.020, 29.30.040, 29.30.060, 29.30.081, 29.30.101, 29.30.130, 29.33.020, 29.33.041, 29.33.051, 29.33.061, 29.33.081, 29.33.130, 29.33.230, 29.34.080, 29.34.085, 29.34.090, 29.34.143, 29.34.153, 29.34.157, 29.34.163, 29.34.167, 29.34.170, 29.48.010, 29.48.030, 29.48.070, 29.48.100, 29.51.010, 29.51.050, 29.51.060, 29.51.070, 29.51.100, 29.51.140, 29.51.150, 29.51.175, 29.51.180, 29.51.190, 29.51.240, 29.51.250, 29.54.010, 29.54.035, 29.54.050, 29.54.060, 29.54.170, 29.62.010, 29.62.040, 29.62.050, 29.64.030, 29.64.040, 29.64.050, 29.64.060, 29.71.020, 29.74.080, and 29.82.130; adding new sections to chapter 29.01 RCW; adding a new section to chapter 29.04 RCW; adding a new section to chapter 29.18 RCW;

adding new sections to chapter 29.30 RCW; adding a new section to chapter 29.33 RCW; adding a new section to chapter 29.51 RCW; adding new sections to chapter 29.54 RCW; creating a new section; recodifying RCW 29.34.080, 29.34.085, 29.34.090, 29.34.143, 29.34.163, 29.34.170, 29.33.230, 29.34.153, 29.34.157, 29.34.167, and 29.54.035; repealing RCW 29.18.020, 29.18.110, 29.21.017, 29.21.085, 29.21.090, 29.21.110, 29.21.120, 29.21.130, 29.21.150, 29.21.160, 29.21.210, 29.21.330, 29.27.010, 29.27.040, 29.27.045, 29.30.030, 29.30.061, 29.30.091, 29.30.111, 29.30.310, 29.30.320, 29.30.330, 29.30.340, 29.30.350, 29.30.370, 29.30.380, 29.30.390, 29.30.410, 29.30.420, 29.30.430, 29.30.440, 29.30.450, 29.30.460, 29.30.480, 29.30.490, 29.33.010, 29.33.015, 29.33.090, 29.33.110, 29.33.120, 29.33.140, 29.33.150, 29.33.160, 29.33.170, 29.33.180, 29.33.190, 29.33.200, 29.33.210, 29.33.220, 29.34.010, 29.34.125, 29.34.130, 29.34.140, 29.34.143, 29.34.145, 29.34.180, 29.51.080, 29.51.120, 29.51.130, 29.51.160, 29.51.220, 29.51.260, 29.54.020, 29.54.030, 29.54.035, 29.54.040, 29.54.043, 29.54.045, 29.54.070, 29.54.080, 29.54.090, 29.54.100, 29.54.110, 29.54.120, 29.54.130, and 29.54.140; prescribing penalties; and providing an effective date.

Referred to Committee on State Government.

HB 2009 by Representatives Nelson, Fraser, Belcher, Day, Rayburn and Phillips

AN ACT Relating to review of proposed actions by boundary review boards; and amending RCW 36.93.100.

Referred to Committee on Local Government.

HB 2010 by Representatives R. King, Basich, McLean and Inslee

AN ACT Relating to permitting hunting by nonambulatory disabled persons; amending RCW 46.09.130, 46.10.130, 77.16.250, 77.16.260, and 77.08.010; and adding new sections to chapter 77.32 RCW.

Referred to Committee on Fisheries & Wildlife.

HB 2011 by Representative R. King

AN ACT Relating to commercial fishing licenses; amending RCW 75.28.035, 75.28.095, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.134, 75.28.140, 75.28.255, 75.28.280, 75.28.287, 75.28.290, 75.28.340, and 75.28.690; reenacting and amending RCW 75.28.300; adding new sections to chapter 75.28 RCW; repealing RCW 75.28.081, 75.28.123, 75.28.285, and 75.28.370; and providing an effective date.

Referred to Committee on Fisheries & Wildlife.

HB 2012 by Representatives Haugen, Ferguson, Cantwell, Wolfe, Nealey and Phillips

AN ACT Relating to restrictions on the sale or lease of port district land; and amending RCW 53.08.040.

Referred to Committee on Local Government.

HB 2013 by Representatives Ferguson, Haugen and Winsley

AN ACT Relating to park and recreation districts; and adding a new section to chapter 36.69 RCW.

Referred to Committee on Local Government.

HB 2014 by Representatives Peery, Locke, Valle, Winsley, Crane and O'Brien

AN ACT Relating to special education programs for handicapped children; amending RCW 28A.41.053 and 74.09.520; and creating new sections.

Referred to Committee on Education.

HB 2015 by Representatives Winsley and Rayburn

AN ACT Relating to pesticide applicator licenses; and amending RCW 17.21.090.

Referred to Committee on Agriculture & Rural Development.

HB 2016 by Representatives Miller, Jacobsen, Spanel, Heavey, Wood, Belcher, H. Myers, Inslee, Rector, Hankins, Anderson, O'Brien, R. King, Valle, Winsley, Jesernig, P. King and Kremen

AN ACT Relating to gender equity in athletics; and creating a new section.

Referred to Committee on Higher Education.

HB 2017 by Representatives Cantwell, Wood, Heavey, Walk, Cole and Baugher

AN ACT Relating to edgestriping along certain roadways; adding a new section to chapter 47.36 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2018 by Representatives Cantwell, Wood, Heavey, Cole, P. King and Leonard

AN ACT Relating to student transportation safety; amending RCW 46.61.370; and adding a new section to chapter 28A.58 RCW.

Referred to Committee on Education.

HB 2019 by Representatives Cantwell, Wood, Heavey, Walk, Cole and P. King

AN ACT Relating to pedestrians; and amending RCW 46.04.400, 46.61.055, 46.61.060, 46.61.235, 46.61.240, 46.61.250, and 46.61.266.

Referred to Committee on Transportation.

HB 2020 by Representatives Jacobsen, Miller, Spanel, Heavey, Wood, Belcher, Rector, Hankins, Anderson, O'Brien, R. King, Winsley, Jesernig, P. King, Pruitt, K. Wilson, Patrick, Leonard and Nutley

AN ACT Relating to tuition and fees waivers and other activities for achieving gender equity; amending RCW 28B.15.014; and adding new sections to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

HB 2021 by Representatives Haugen and S. Wilson

AN ACT Relating to underground facilities; amending RCW 19.122.030; and repealing RCW 19.122.045.

Referred to Committee on Local Government.

HB 2022 by Representatives Haugen and S. Wilson

AN ACT Relating to funding of county indigent defense costs; amending RCW 2.50.040, 2.50.050, 2.50.060, and 2.50.080; and adding a new section to chapter 2.50 RCW.

Referred to Committee on Judiciary.

HB 2023 by Representatives G. Fisher, Cantwell, Schoon, Winsley, Ferguson and Tate

AN ACT Relating to technology development and commercialization; amending RCW 28B.20.285; creating new sections; and making an appropriation.

Referred to Committee on Trade & Economic Development.

HB 2024 by Representatives Walk, Cantwell, Schoon, Rasmussen, Doty, Winsley, P. King, Pruitt, Kremen, Wood and D. Sommers

AN ACT Relating to regulatory fairness; amending RCW 19.85.020, 19.85.030, and 19.85.040; adding a new section to chapter 19.85 RCW; and adding new sections to chapter 34.05 RCW.

Referred to Committee on Trade & Economic Development.

HB 2025 by Representatives Vekich, Schoon, Basich, Prentice, May and Jones

AN ACT Relating to maritime commemorative observance; amending RCW 27.60.900; adding a new section to chapter 27.34 RCW; creating a new section; repealing RCW 27.60.045; and declaring an emergency.

Referred to Committee on State Government.

HB 2026 by Representatives McLean and Ballard

AN ACT Relating to tax exemptions for nonprofit golf courses; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Revenue.

HB 2027 by Representatives Brumsickle, Bowman, Silver, Holland, Horn, Tate, Schmidt and Hargrove

AN ACT Relating to the Lewis county applied learning center; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2028 by Representatives Bowman, Brumsickle, Holland, Patrick, Hargrove, D. Sommers and Horn

AN ACT Relating to property taxes; and amending RCW 84.52.010, 84.52.0501, and 84.52.100.

Referred to Committee on Local Government.

HB 2029 by Representatives Nelson, Ferguson and Valle

AN ACT Relating to metropolitan municipal corporations; amending RCW 35.58.118, 35.58.120, and 35.58.410; adding new sections to chapter 35.58 RCW; and repealing RCW 35.58.420.

Referred to Committee on Local Government.

HB 2030 by Representatives Hine, Nelson, Phillips, Todd, Valle, K. Wilson, Haugen and Brekke

AN ACT Relating to metropolitan municipal corporations; amending RCW 35.58.040, 35.58.100, and 36.56.040; adding new sections to chapter 35.58 RCW; adding a new section to chapter 36.56 RCW; creating a new section; repealing RCW 35.58.118, 35.58.120, 35.58.130, 35.58.140, 35.58.150, 35.58.160, and 35.58.270; and providing an effective date.

Referred to Committee on Local Government.

HB 2031 by Representatives Nelson, R. King, S. Wilson, Spanel, Haugen and Belcher

AN ACT Relating to commercial shellfish divers; amending RCW 75.08.012 and 75.24.100; adding a new chapter to Title 75 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Fisheries & Wildlife.

HB 2032 by Representatives Todd, Phillips, Ferguson, Rayburn, Raiter, Nelson, Baugher, Crane and McLean

AN ACT Relating to parks and recreation districts; and amending RCW 36.69.010.

Referred to Committee on Local Government.

HB 2033 by Representatives Todd and Phillips

AN ACT Relating to notice requirements for hearings on conditional use permits and variances; and amending RCW 36.70.840.

Referred to Committee on Local Government.

HJM 4013 by Representatives Heavey, Padden, Wineberry, Anderson, Crane, Valle, Holland, K. Wilson, Zellinsky, Fraser, Rasmussen, Raiter, Kremen, Hargrove, Haugen, Patrick, Horn, Dorn, Baugher, Ferguson, Fuhrman and Wood

Urging the City of Seattle to change its policies and ordinances to comply with state marijuana possession laws.

Referred to Committee on Judiciary.

HJR 4221 by Representatives Braddock, Appelwick, Ebersole, Rust and Morris

Modifying constitutional provisions for excess levies as they relate to long-term care.

Referred to Committee on Revenue.

SSB 5085 by Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Moore, Smitherman, Rasmussen and Johnson)

Regulating financial planners.

Referred to Committee on Financial Institutions & Insurance.

ESB 5119 by Senators Pullen, Talmadge, Madsen and Rasmussen; by request of Washington State Patrol

Providing a procedure for unclaimed property in the hands of the Washington state patrol.

Referred to Committee on Judiciary.

SSB 5142 by Committee on Governmental Operations (originally sponsored by Senators McCaslin, Thorsness, DeJarnatt and Rasmussen; by request of State Auditor)

Changing the year end fiscal report requirement.

Referred to Committee on Local Government.

SSB 5144 by Committee on Governmental Operations (originally sponsored by Senators Pullen and DeJarnatt)

Preserving documents recorded with the county auditors.

Referred to Committee on Local Government.

SB 5172 by Senators Benitz, Williams and Nelson; by request of Washington State Energy Office

Extending utility lending of credit to equipment.

Referred to Committee on Energy & Utilities.

SB 5368 by Senators Nelson and Bender; by request of Legislative Transportation Committee

Changing the criteria for determining priority for urban arterial improvement projects.

Referred to Committee on Transportation.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

February 13, 1989

HI 102 Prime Sponsor, By Request of the Citizens of Washington State: Regarding children, youth, and family programs and education programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; H. Sommers, Vice Chair; Appelwick, Braddock, Bristow, Dorn, Ebersole, Ferguson, Hine, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Bowman, Holland, May, McLean, Nealey and Padden.

Voting nay: Representatives Grant, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Belcher, Bowman, Brough, Holland, May, McLean, Nealey and Padden.

Absent: Representatives Brekke and Doty.

Referred to Committee on Rules for second reading.

February 10, 1989

HB 1126 Prime Sponsor, Representative Valle: Requiring a review of combustion toxicity testing of plastics. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprengle, Van Luven and Walker.

Referred to Committee on Appropriations.

February 9, 1989

HB 1130 Prime Sponsor, Representative Wineberry: Providing a procedure for counties, cities, and towns to eliminate neighborhood blight. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, Tate, Van Luven and Wineberry.

Absent: Representative Brough.

Passed to Committee on Rules for second reading.

February 10, 1989

HB 1142 Prime Sponsor, Representative Winsley: Enacting the rental housing allowance act. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Ballard, Inslee, Padden and Todd.

Absent: Representatives Rector and Todd.

Referred to Committee on Appropriations.

February 9, 1989

HB 1172 Prime Sponsor, Representative Belcher: Revising requirements for natural resources conservation areas. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment:

On page 8, line 7, after "Sec. 15." strike everything down to and including "subsection." on line 21.

Renumber the remaining subsections consecutively.

Signed by Representatives Locke, Chair; Grant, Vice Chair; Belcher, Braddock, Brekke, Bristow, Ebersole, Ferguson, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Bowman, Doty, Holland, May, McLean and Nealey.

Voting nay: Representatives Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Bowman, Doty, Holland, May, McLean, Nealey and Padden.

Absent: Representatives Appelwick, Brough and Dorn.

Passed to Committee on Rules for second reading.

February 10, 1989

HB 1180 Prime Sponsor, Representative Ferguson: Insuring liability for leaks from underground oil storage tanks. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Crane, Day, Dorn, Inslee, P. King, Nutley, Schmidt, K. Wilson and Winsley.

Referred to Committee on Revenue.

February 10, 1989

HB 1208 Prime Sponsor, Representative Cole: Requiring certification of court reporters. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 9, 1989

HB 1254 Prime Sponsor, Representative H. Myers: Providing immunity for communications to certain officials. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Inslee, P. King, R. Meyers, Moyer, H. Myers, Schmidt, Scott, Tate, Van Luven and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove, Locke and Patrick.

Voting nay: Representatives Hargrove and Patrick.

Absent: Representatives Brough and Scott.

Passed to Committee on Rules for second reading.

February 10, 1989

HB 1280 Prime Sponsor, Representative R. King: Modifying requirements of marine geologic explorations. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Fuhrman, Hargrove, Raiter and Sayan.

Passed to Committee on Rules for second reading.

February 10, 1989

HB 1283 Prime Sponsor, Representative Zellinsky: Regulating check cashers and sellers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendment:

On page 5, line 12 after "(1)" strike all material to and including "business." on line 16 and insert "Except for the activities of a pawnbroker as defined in RCW 19.60.010, no licensee shall engage in a loan business or the negotiation of loans or the discounting of notes, bills of exchange, checks, or other evidences of debt on the same premises where a check cashing or selling business is conducted, unless such loan business is a properly licensed consumer finance company or industrial loan company office or other licensed lending activity approved by the supervisor and is physically separated from the check cashing or selling business in a manner approved by the supervisor."

Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Beck, Crane, Day, Dorn, Inslee, P. King, Nutley, Schmidt, K. Wilson and Winsley.

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

Passed to Committee on Rules for second reading.

February 10, 1989

HB 1328 Prime Sponsor, Representative Belcher: Conditioning golf course eligibility for open space valuation. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant

Ranking Republican Member; Appelwick, Basich, Brumsickle, Fraser, Fuhrman, Grant, Haugen, Phillips, Rust, H. Sommers and Van Luven.

Absent: Representatives Morris and Silver.

Passed to Committee on Rules for second reading.

February 10, 1989

HB 1340 Prime Sponsor, Representative Pruitt: Specifying qualifications for persons assessing real property. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Appelwick, Basich, Brumsickle, Fraser, Grant, Haugen, Phillips, Rust, H. Sommers and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman and Silver.

Absent: Representative Morris.

Passed to Committee on Rules for second reading.

February 13, 1989

HB 1348 Prime Sponsor, Representative Ferguson: Authorizing excess weight permits for emergency vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 30, after "(5)" strike all the material down to and including "weight." on line 33 and insert "Permits may be issued for the operation of fire trucks on the public highways if the maximum gross weight on any single axle does not exceed twenty-four thousand pounds and the gross weight on any tandem axle does not exceed forty-three thousand pounds."

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representatives Betrozoff and Cantwell.

Passed to Committee on Rules for second reading.

February 13, 1989

HB 1378 Prime Sponsor, Representative Braddock: Changing provisions relating to health care costs and access to health care. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Cantwell, Morris, Prentice, Sprengle and Vekich.

MINORITY recommendation: Do not pass. Signed by Representatives Brooks, Ranking Republican Member; Chandler, D. Sommers and Wolfe.

Referred to Committee on Revenue.

February 13, 1989

HB 1393 Prime Sponsor, Representative Grant: Creating a sentencing grid for controlled substance violations within correctional facilities. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Morris, Prentice, D. Sommers, Sprengle, Vekich and Wolfe.

Referred to Committee on Judiciary.

February 13, 1989

HB 1405 Prime Sponsor, Representative Jacobsen: Regarding building fees for higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Heavey, Inslee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Absent: Representatives Basich, Doty, Fraser, Jesernig, Miller and Prince.

Referred to Committee on Capital Facilities & Financing.

February 10, 1989

HB 1447 Prime Sponsor, Representative Hargrove: Revising advertising and sale requirements for valuable materials. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, Fuhrman, Hargrove, Raiter and Sayan.

Absent: Representative Sayan.

Passed to Committee on Rules for second reading.

February 13, 1989

HB 1465 Prime Sponsor, Representative R. Meyers: Making technical corrections in driver and vehicle licensing laws. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representative Betrozoff.

Passed to Committee on Rules for second reading.

February 13, 1989

HB 1468 Prime Sponsor, Representative Ebersole: Increasing the number of recipients of awards for excellence in education. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betrozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle and Walker.

MINORITY recommendation: Do not pass. Signed by Representative K. Wilson.

Absent: Representative P. King.

Passed to Committee on Rules for second reading.

February 13, 1989

HB 1490 Prime Sponsor, Representative Peery: Providing for school construction. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betrozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle and Walker.

Absent: Representative P. King.

Referred to Committee on Capital Facilities & Financing.

February 10, 1989

HB 1498 Prime Sponsor, Representative Belcher: Changing provisions relating to the comprehensive guide to public parks and recreation sites prepared by the interagency committee for outdoor recreation. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, Fuhrman, Hargrove and Raiter.

Absent: Representative Sayan.

Referred to Committee on Appropriations.

February 14, 1989

HB 1510 Prime Sponsor, Representative Todd: Modifying ex officio membership of the state building code council. Reported by Committee on Housing

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 3, after "caucus" strike "; the director of fire protection or the director's designee"

Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Ballard, Inslee, Padden, Rector and Todd.

Passed to Committee on Rules for second reading.

February 10, 1989

HB 1553 Prime Sponsor, Representative Raiter: Creating the Washington economic development finance authority. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Rector, Schoon, Tate, Walk and Youngsman.

Absent: Representative Raiter.

Passed to Committee on Rules for second reading.

February 13, 1989

HB 1560 Prime Sponsor, Representative Braddock: Making changes to medical care provisions. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprengle, Vekich and Wolfe.

Referred to Committee on Appropriations.

February 13, 1989

HB 1601 Prime Sponsor, Representative Peery: Establishing a school breakfast program. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 11 after "committee" insert "representative of the school staff and community"

On page 2, line 12 after "district." strike all material through "program." on line 19

On page 2, line 25 after "Sec. 4." strike all material through "year" on line 35 and insert "During the 1990-91 school year the superintendent of public instruction shall conduct a study of the actual costs of providing the school breakfast program in the schools identified in section 3 of this act. The study shall consider the total cost of the program including, but not limited to, food costs, staff costs, and transportation; and make a determination to what degree funding from the federal government or from other breakfasts sold cover the actual costs of the program. The superintendent of public instruction shall report to the legislature by January 15, 1992, the results of this study; estimate the cost to districts of providing a breakfast program in schools identified in section 2 of this act as having twenty-five to thirty-nine percent participation rate; and shall make a recommendation on whether the breakfast program should be expanded to these schools"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Brumsickle, Cole, Dorn, Fuhrman, Jones, P. King, Phillips, Pruitt, Rasmussen, Valle and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Berozoff, Ranking Republican Member; Horn and Walker.

Voting nay: Representatives Berozoff, Ranking Republican Member; Horn, Schoon and Walker.

Referred to Committee on Appropriations.

February 10, 1989

HB 1630 Prime Sponsor, Representative Nutley: Clarifying the property status of manufactured homes. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Ballard, Inslee, Padden and Todd.

Absent: Representatives Rector and Todd.

Passed to Committee on Rules for second reading.

February 13, 1989

HB 1724 Prime Sponsor, Representative Prentice: Establishing criteria for state highway designation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 18 insert "(a) The legislature shall consider and give great weight to the opinions of affected cities and/or counties regarding any additions or deletions to the state highway system."

Reletter remainder of subsection and correct internal references accordingly.

On page 3, line 4, after "universities," insert "ferry terminals."

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representatives Berozoff, Cantwell and Todd.

Passed to Committee on Rules for second reading.

February 10, 1989

HB 1778 Prime Sponsor, Representative Holland: Modifying tax status of trade shows and other convention-oriented events. Reported by Committee on Revenue

MAJORITY recommendation: Do pass with the following amendments:

Beginning on page 1, line 27, strike all of section 2.

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 4 of the title, strike "adding a new section to chapter 82.04 RCW;"

Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Appelwick, Basich, Brumsickle, Fraser, Fuhrman, Grant, Haugen, Phillips, Silver, H. Sommers and Van Luvan.

Voting nay: Representative Rust.

Absent: Representative Morris.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1881 Prime Sponsor, Representative Rayburn: Modifying allowable compensation for irrigation district directors. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 15, after "dollars for strike all material through "for a day" on line 17 and insert "each day or portion thereof"

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Chandler, Doty, Grant, Jesernig, McLean, H. Myers, Rasmussen and Youngsman.

Absent: Representative Doty.

Passed to Committee on Rules for second reading.

February 10, 1989

HJM 4002 Prime Sponsor, Representative Basich: Requesting Congress to amend the outer continental shelf lands act. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Fuhrman, Hargrove, Raiter and Sayan.

Passed to Committee on Rules for second reading.

February 10, 1989

HJM 4003 Prime Sponsor, Representative Basich: Petitioning Congress to amend the outer continental shelf act. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Fuhrman, Hargrove, Raiter and Sayan.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Ebersole, the bills and memorials listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

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

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

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1629 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1629, by Representatives Vekich, Patrick, Cole, Locke, Appelwick, Anderson, Winsley, Leonard, Prentice, R. King, Rector, Wineberry, Scott, Jacobsen, Belcher, Cooper, Pruitt, Wang, Nutley, Phillips, K. Wilson, Cantwell, Valle, Brekke, Fraser, Nelson, P. King, O'Brien, Dellwo, Basich, Sayan, Ebersole, Rust, R. Fisher and Sprengle; by request of Employment Security Department

Revising unemployment compensation provisions for agricultural labor.

The bill was read the second time.

MOTIONS

Mr. Ebersole moved that the House defer further consideration of House Bill No. 1629 and that the bill hold its place on the second reading calendar. The motion was carried.

Mr. Ebersole moved that the House immediately consider House Bill No. 1173 on the regular second reading calendar. The motion was carried.

On motion of Ms. Bowman, Representatives Miller and Schoon were excused. On motion of Ms. Cole, Representative Wineberry and Mr. Speaker were excused.

HOUSE BILL NO. 1173, by Representatives Appelwick, Padden, Crane, Tate, P. King, Inslee and Sprenkle

Revising nonclaim statutes.

The bill was read the second time. On motion of Mr. Appelwick, Substitute House Bill No. 1173 was substituted for House Bill No. 1173, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1173 was read the second time.

Mr. Dellwo moved adoption of the following amendments:

On page 4, line 29 strike "In all events, and whether" and insert "Whether"

On page 5, line 2 strike "or"

On page 5, line 5 after "claim" insert ", or (3) to any claims where no personal representative has been appointed during the eighteen-month period"

On page 8, beginning on line 10 strike all of Section 9 and renumber the remaining sections accordingly

Representatives Dellwo, Appelwick and Padden spoke in favor of the amendments, and they were adopted.

With consent of the House, the following amendment to the title was adopted:
On page 1, line 3 of the title strike "repealing RCW 11.04.270;"

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1173, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 94.

Excused: Representatives Miller, Schoon, Wineberry, and Mr. Speaker - 4.

Engrossed Substitute House Bill No. 1173, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTIONS

On motion of Mr. Ebersole, House Bill No. 1176 was referred from Committee on Appropriations to Committee on Capital Facilities & Financing.

On motion of Mr. Ebersole, House Bill No. 1798 was referred from Committee on Judiciary to Committee on Commerce & Labor.

On motion of Mr. Ebersole, House Bill No. 1931 was referred from Committees on Transportation/Financial Institutions & Insurance to Committees on Financial Institutions & Insurance/Transportation.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Friday, February 17, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FORTIETH DAY

MORNING SESSION

House Chamber, Olympia, Friday, February 17, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Brekke, Locke, Sayan, Sprenkle, Wolfe and Mr. Speaker. On motion of Mr. Ebersole, Mr. Speaker was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Heather Suniga and Joby Shimomura. Prayer was offered by The Reverend Cecil Thompson, Minister of the Shelton Church of the Nazarene.

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

MESSAGE FROM THE SENATE

February 15, 1989

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5022,
SENATE BILL NO. 5150,
ENGROSSED SENATE BILL NO. 5156,
SUBSTITUTE SENATE BILL NO. 5208,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 2034 by Representatives Phillips, Wood, Haugen, Todd, Cooper, Winsley, Ferguson and Zellinsky

AN ACT Relating to transfer of county sheriff's office employees; amending RCW 41.12.050; and adding new sections to chapter 35.13 RCW.

Referred to Committee on Local Government.

HB 2035 by Representatives R. Fisher, Anderson, Jacobsen and P. King

AN ACT Relating to voter registration; and amending RCW 29.07.070 and 29.07.080.

Referred to Committee on State Government.

HB 2036 by Representatives Ebersole, Brough, Wang and Schoon

AN ACT Relating to metropolitan park districts; amending RCW 35.61.100, 35.61.110, and 35.61.132; and adding new sections to chapter 35.61 RCW.

Referred to Committee on Local Government.

HB 2037 by Representatives Raiter, Cooper, Morris, Brumsickle, Vekich, Peery, Bowman, Schoon and H. Myers

AN ACT Relating to Mt. St. Helens recovery operations; and amending RCW 43.21A-.500, 43.21C.500, 75.20.300, 79.90.160, 89.16.500, and 90.58.500.

Referred to Committee on State Government.

HB 2038 by Representative Appelwick

AN ACT Relating to zoning; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Local Government.

HB 2039 by Representatives Kremen, Schoon, Cantwell, Winsley, Jacobsen, Spanel and P. King

AN ACT Relating to workplace literacy; amending RCW 28A.16.050, 28A.34A.040, 28A.58.247, 28A.41.053, 28A.100.019, 28A.120.022, 28A.130.014, 28B.50.250, 28B.65.030, 43.06-.110, 43.63A.078, and 43.121.130; adding new sections to chapter 50.12 RCW; adding a new section to chapter 28A.58 RCW; adding a new section to chapter 28A.100 RCW; adding new sections to chapter 28A.120 RCW; adding a new section to chapter 28A.125 RCW; adding a new section to chapter 28B.04 RCW; adding a new section to chapter 28C.04 RCW; adding a new section to chapter 43.160 RCW; adding a new section to chapter 43.168 RCW; adding a new section to chapter 49.04 RCW; adding a new section to chapter 74.21 RCW; adding a new section to chapter 74.22 RCW; adding a new section to chapter 74.23 RCW; adding a new section to chapter 74.29 RCW; creating new sections; and making an appropriation.

Referred to Committees on Trade & Economic Development/ Appropriations.

HB 2040 by Representatives Appelwick, Holland and Silver

AN ACT Relating to the sales tax exemption for purchases to be used in a noncontiguous state, territory, or possession; and amending RCW 82.08.0269.

Referred to Committee on Revenue.

HB 2041 by Representatives Nutley, Winsley, Todd, Rector, Ballard, Leonard, Anderson, Padden, D. Sommers and McLean

AN ACT Relating to changes in landlord-tenant law; amending RCW 59.12.120, 59.18.040, 59.18.070, 59.18.100, 59.18.140, 59.18.150, 59.18.230, 59.18.280, 59.18.300, 59.18.310, 59.18.390, and 59.18.415; reenacting and amending RCW 36.18.020; adding new sections to chapter 59.18 RCW; and providing an effective date.

Referred to Committee on Housing.

HB 2042 by Representatives R. King, Schoon, Vekich, Smith, S. Wilson, Gallagher, Beck, Fuhrman, P. King, Dorn, R. Meyers, Miller and Hargrove

AN ACT Relating to the regulation of fireworks; amending RCW 70.77.455; repealing RCW 70.77.465; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2043 by Representatives R. King, Schoon, Vekich, Smith, S. Wilson, Gallagher, Hankins, Beck, Fuhrman, P. King, R. Meyers, Dorn, Miller and Hargrove

AN ACT Relating to fireworks, creating new state fireworks regulations, strengthening state fireworks enforcement provisions, requiring all sales to comply with state regulation, preempting local authority to regulate fireworks; amending RCW 70.77.126, 70.77.131, 70.77.136, 70.77.146, 70.77.170, 70.77.177, 70.77.180, 70.77.200, 70.77.205, 70.77.250, 70.77.255, 70.77.265, 70.77.270, 70.77.280, 70.77.285, 70.77.311, 70.77.315, 70.77.345, 70.77.355, 70.77.370, 70.77.375, 70.77.395, 70.77.435, 70.77.440, 70.77.450, 70.77.455, 70.77.555, and 35.22.280; adding new sections to chapter 70.77 RCW; repealing RCW 70.77.465; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2044 by Representatives Winsley, Peery, Schoon, G. Fisher, Day, Anderson, K. Wilson, Dorn, Brumsickle, Raiter, Dellwo, Miller, Rector, Pruitt, Van Luven, Todd, Spanel, Phillips and P. King

AN ACT Relating to elementary school counseling; creating new sections; and making an appropriation.

Referred to Committees on Education/Appropriations.

HB 2045 by Representatives Prince, Baugher, Smith and Walk

AN ACT Relating to the tax on special fuel; and amending RCW 82.38.060.

Referred to Committee on Transportation.

HB 2046 by Representatives Zellinsky, Schmidt, Heavey, R. Meyers, S. Wilson, Day, Gallagher and Winsley

AN ACT Relating to drivers' licenses; and amending RCW 46.20.114.

Referred to Committee on Transportation.

HB 2047 by Representatives Holland, Fraser, Horn, Brumsickle and Basich

AN ACT Relating to the definition of "gross proceeds of sales"; and amending RCW 82.04.070.

Referred to Committee on Revenue.

HB 2048 by Representatives Appelwick, Braddock and Phillips

AN ACT Relating to the uniform health-care information act; adding a new section to chapter 42.17 RCW; adding a new chapter to Title 70 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Health Care.

HB 2049 by Representatives Bowman, Rector, Brumsickle, Fraser, D. Sommers, Patrick, Wood, Doty, Wolfe, Silver, Holland and Brekke

AN ACT Relating to the continuum of care pilot project; amending section 4, chapter 503, Laws of 1987 (uncodified); making an appropriation; and providing an effective date.

Referred to Committee on Appropriations.

HB 2050 by Representatives Locke, Belcher, Prince, Wang, Miller, Anderson, Dellwo and Jacobsen

AN ACT Relating to public assistance eligibility; amending RCW 74.09.035 and 74.38.020; reenacting and amending RCW 74.04.005; and declaring an emergency.

Referred to Committee on Human Services.

HB 2051 by Representative Locke

AN ACT Relating to federally assisted housing; adding a new chapter to Title 59 RCW; and declaring an emergency.

Referred to Committee on Housing.

HB 2052 by Representatives Anderson and Locke

AN ACT Relating to indigent defense; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2053 by Representatives Silver, Locke, May, H. Sommers, Ferguson, Horn and Wood

AN ACT Relating to limiting the one hundred six percent property tax lid; and amending RCW 84.55.050.

Referred to Committee on Revenue.

HB 2054 by Representatives Locke, Todd, O'Brien, Padden, Appelwick, Anderson, Winsley, Belcher and P. King

AN ACT Relating to notification of the release of dangerous persons committed under the involuntary treatment act; amending RCW 71.05.325; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2055 by Representatives Rasmussen, Dorn, Fraser, Walker, Ferguson, Brumsickle, Phillips, Winsley, Walk, Spanel, R. Meyers, Belcher, Tate and K. Wilson

AN ACT Relating to disposal of sludge; and amending RCW 70.95.255.

Referred to Committee on Environmental Affairs.

HB 2056 by Representatives Sayan, Nelson and Valle

AN ACT Relating to revenue and taxation; adding a new chapter to Title 82 RCW; and declaring an emergency.

Referred to Committee on Revenue.

- HB 2057** by Representatives Sayan, O'Brien, Rayburn, Moyer, Zellinsky, Winsley, Basich, Wood, Phillips and P. King
AN ACT Relating to senior volunteers; creating a new section; making an appropriation; and declaring an emergency.
Referred to Committees on Human Services/Appropriations.
- HB 2058** by Representatives Sayan, Cantwell, Basich, Van Luven, Jones, Dorn, Ferguson, Rayburn and P. King
AN ACT Relating to the development of hardwood forests and hardwood products within the Washington forest industry; creating new sections; making an appropriation; and declaring an emergency.
Referred to Committees on Trade & Economic Development/ Appropriations.
- HB 2059** by Representatives Sayan, Cantwell, Basich, Van Luven, Jones, Dorn, Ferguson, Rayburn and P. King
AN ACT Relating to the development of hardwood forests and hardwood products within the Washington forest industry; adding a new chapter to Title 15 RCW; and declaring an emergency.
Referred to Committee on Trade & Economic Development.
- HB 2060** by Representatives Patrick, Leonard, Beck, Vekich, Baugher, Prentice, Crane, Doty, Inslee, Padden, Kremen, Rayburn, Holland, Walker, Wolfe, Silver, Ballard, Miller, Rector, Winsley, Smith and Todd
AN ACT Relating to the horse racing industry; amending RCW 51.16.140, 51.32.073, and 67.16.020; adding a new section to chapter 51.16 RCW; adding a new section to chapter 67.16 RCW; providing an effective date; and declaring an emergency.
Referred to Committee on Commerce & Labor.
- HB 2061** by Representatives S. Wilson, Basich, Heavey, Van Luven, Haugen, Fuhrman, Brooks, Wolfe, Doty, Schmidt and Zellinsky
AN ACT Relating to higher education; adding a new section to chapter 28B.20 RCW; adding a new section to chapter 28B.30 RCW; adding a new section to chapter 28B.35 RCW; adding a new section to chapter 28B.40 RCW; adding a new section to chapter 28B.50 RCW; adding a new chapter to Title 28B RCW; creating new sections; repealing RCW 28B.50.050, 28B.50.055, 28B.50.060, 28B.50.070, 28B.50.080, 28B.50.085, 28B.20.130, 28B.20.135, 28B.20.140, 28B.20.145, 28B.30.150, 28B.35.120, 28B.40.120, and 28B.50.140; and providing an effective date.
Referred to Committee on Higher Education.
- HB 2062** by Representatives Morris, Peery, Cooper, H. Myers and Nutley
AN ACT Relating to public corporations; and amending RCW 35.21.755.
Referred to Committee on Local Government.
- HB 2063** by Representatives Bowman, Brumsickle, Belcher, Ballard, Rust, Betrozoff, Peery, Brooks, H. Sommers, McLean, Fraser and Winsley
AN ACT Relating to the transfer of records from one school district to another; and amending RCW 28A.87.120.
Referred to Committee on Education.
- HB 2064** by Representatives Appelwick, Ballard, Holland, Silver, Grant, Ebersole, Haugen, Hankins, Jesernig, Schoon, Bristow, Fuhrman, Sprengle, Van Luven, R. Meyers, Dellwo, Miller, Rector, Brough, Winsley, Horn, Brumsickle, Wolfe and Wood
AN ACT Relating to low-level waste business and occupation taxes and surcharges; and amending RCW 82.04.260 and 43.200.170.
Referred to Committee on Revenue.
- HB 2065** by Representatives R. Meyers, Schmidt, Vekich, Walk, Spanel, Brough, D. Sommers, Walker, Schoon, Youngsman and Tate

AN ACT Relating to state and county ferries; and reenacting and amending RCW 82.08.0255 and 82.12.0256.

Referred to Committee on Transportation.

HB 2066 by Representatives Cantwell, Peery, Holland, Beck, Walk, Jones, Spanel, Ferguson, Cole, P. King, Winsley, Wood and Todd

AN ACT Relating to school student transportation safety evaluation; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 2067 by Representatives R. Meyers, Cooper, Belcher and Crane

AN ACT Relating to unlawful display or transport of wildlife; amending RCW 77.21-.020 and 77.21.070; adding a new section to chapter 77.16 RCW; adding a new section to chapter 77.08 RCW; and prescribing penalties.

Referred to Committee on Fisheries & Wildlife.

HB 2068 by Representatives Sayan, Peery and Rayburn

AN ACT Relating to surplus school property; and amending RCW 28A.58.035.

Referred to Committee on Education.

HB 2069 by Representatives Bowman, Brumsickle, Schmidt, Ballard, Silver, Zellinsky, McLean, Heavey, Fuhrman, Haugen, Wood and Van Luven

AN ACT Relating to a tax exemption for office supplies; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Revenue.

HB 2070 by Representatives Todd and Hargrove

AN ACT Relating to the state building code; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Housing.

HB 2071 by Representatives R. King, Nelson and Spanel

AN ACT Relating to safety in Washington navigable waters; amending RCW 75.24-.100; adding a new section to chapter 75.10 RCW; adding a new chapter to Title 49 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2072 by Representatives Belcher, Anderson, Wineberry, Nelson, Locke, Leonard, Appelwick, Nutley, Cole, Jacobsen, Wang and R. King

AN ACT Relating to the jurisdiction of the Washington state human rights commission with respect to the elimination and prevention of discrimination in employment, housing, public accommodations, credit, insurance, and commercial transactions; amending RCW 48.30.300, 49.60.010, 49.60.020, 49.60.030, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.222, 49.60.223, 49.60.224, and 49.60.225; and reenacting and amending RCW 49.60.040 and 49.60.215.

Referred to Committee on State Government.

HB 2073 by Representatives Wang, Vekich, Cole, Rector and Leonard

AN ACT Relating to standardizing leave for adoptive parents, foster parents, step-parents, legal guardians, men, and women; adding a new section to chapter 49.12 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2074 by Representatives Wang and Locke

AN ACT Relating to health care benefits for superior court judges; and amending RCW 36.32.400 and 41.04.180.

Referred to Committee on Appropriations.

HB 2075 by Representatives Cantwell, S. Wilson, Wood, Walk, Heavey, Prince, K. Wilson, Sprengle, Ferguson, Nelson and Spanel

AN ACT Relating to motor vehicle safety; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

HB 2076 by Representatives Pruitt, Fraser, G. Fisher, Phillips and Brekke

AN ACT Relating to the disposal of waste tires; and amending RCW 70.95.510 and 70.95.560.

Referred to Committee on Revenue.

HB 2077 by Representatives Brooks, Dellwo, Ballard, Rust, Rector, Grant, Anderson, Wolfe, Miller, Winsley, D. Sommers, Ferguson, Crane and Jacobsen

AN ACT Relating to cancer reporting; adding new sections to chapter 70.54 RCW; creating a new section; and making an appropriation.

Referred to Committee on Health Care.

HB 2078 by Representatives Walk and Patrick

AN ACT Relating to the funding of state and local transportation programs, including roads and streets, transit and rail systems; amending RCW 82.36.025, 46.68.090, 82.36.030, 82.36.440, 82.38.280, 46.16.060, 46.16.065, 46.16.079, 46.16.080, 46.16.085, 46.16.090, 46.16.121, 46.16.160, 46.16.310, 46.16.315, 46.16.460, 46.16.505, 46.16.630, 46.44.047, 46.44.0941, 46.44.095, 46.44.096, 46.68.030, 82.44.020, 82.44.150, 84.52.052, and 47.26.121; reenacting and amending RCW 46.16.070 and 47.76.030; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.68 RCW; adding new sections to chapter 47.76 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.36 RCW; adding a new chapter to Title 47 RCW; adding a new chapter to Title 81 RCW; adding a new chapter to Title 82 RCW; creating new sections; making appropriations; providing effective dates; and declaring an emergency.

Referred to Committee on Transportation.

HB 2079 by Representatives Sprenkle, P. King, Holland, Braddock, Crane and Moyer

AN ACT Relating to surgical technologists; reenacting and amending RCW 18.120.020; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Health Care.

HB 2080 by Representative Valle

AN ACT Relating to the use of aversive therapy techniques in the public school system; and adding new sections to chapter 28A.03 RCW.

Referred to Committee on Education.

HB 2081 by Representatives Cooper, Morris and Raiter

AN ACT Relating to school buildings; and creating a new section.

Referred to Committee on Capital Facilities & Financing.

HB 2082 by Representatives Appelwick and P. King

AN ACT Relating to funding for all-day kindergarten; and adding a new section to chapter 28A.41 RCW.

Referred to Committees on Education/Appropriations.

HB 2083 by Representatives Appelwick, Jacobsen and Nelson

AN ACT Relating to levy reduction funds; and amending RCW 84.52.0531.

Referred to Committees on Education/Appropriations.

HB 2084 by Representatives Wineberry, Holland, Locke, Brough, R. Fisher, Padden, O'Brien, Schoon, H. Sommers, Moyer, Anderson, Doty, Morris, McLean, Ebersole, Beck, Prentice, Winsley, Belcher, Ferguson, Rayburn, Rasmussen, Kremen, Todd, Rector, Raiter, Dorn, Peery, Walk, P. King, G. Fisher, Brekke, Appelwick, Crane, Braddock, Nutley, Insee, Sayan, Nelson, Cantwell, Vekich, Hargrove, Scott, H. Myers, Jacobsen, Phillips, K. Wilson, Bristow,

Zellinsky, R. Meyers, Cooper, Wang, Dellwo, Miller, Van Luvan, Basich, R. King, Leonard and Hankins

AN ACT Relating to state government; creating new sections; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on State Government.

HB 2085 by Representative R. King

AN ACT Relating to fishery management; adding a new section to chapter 75.08 RCW; and creating a new section.

Referred to Committee on Fisheries & Wildlife.

HJM 4014 by Representatives Valle, Jones, Basich, Rust, Dorn and Spanel

Petitioning Congress to examine safety issues and boat construction regarding marine transportation of oil.

Referred to Committee on Environmental Affairs.

SB 5022 by Senators Benitz and Williams; by request of Washington Utilities and Transportation Commission

Modifying utilities and transportation commission reporting requirements.

Referred to Committee on Energy & Utilities.

SB 5150 by Senators Bender, Thorsness, Kreidler, Conner and Talmadge

Declaring prisoner of war recognition day.

Referred to Committee on State Government.

ESB 5156 by Senators Thorsness, Warnke, McDonald, Cantu, Rasmussen, Metcalf, von Reichbauer, Gaspard and Barr

Providing for the Cedar river sockeye salmon enhancement program.

Referred to Committee on Fisheries & Wildlife.

SSB 5208 by Committee on Law & Justice (originally sponsored by Senators Nelson and Talmadge)

Creating the Washington condominium act.

Referred to Committee on Judiciary.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

February 14, 1989

HB 1043 Prime Sponsor, Representative Inslee: Providing a procedure for unclaimed property in the hands of the Washington state patrol. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Berozoff, Cantwell, Cooper, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, R. Meyers, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representatives Day, Kremen and Todd.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1056 Prime Sponsor, Representative Sayan: Regulating herring spawn on kelp. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Haugen, Smith, Spanel and Vekich.

Passed to Committee on Rules for second reading.

February 15, 1989

HB 1066 Prime Sponsor, Representative Jones: Appropriating money for an employment security office building in Port Angeles. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Betzoff, Bowman, Braddock, Bristow, Fraser, Jacobsen, Wang and Winsley.

Passed to Committee on Rules for second reading.

February 15, 1989

HB 1085 Prime Sponsor, Representative Ferguson: Providing insurance coverage for neurodevelopmental therapy. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Crane, Day, Dorn, Inslee and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representative P. King.

Absent: Representatives Nutley, Schmidt and Winsley.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1116 Prime Sponsor, Representative Zellinsky: Allowing specified counties to collect an additional tax on lodging for tourism promotion. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Referred to Committee on Revenue.

February 15, 1989

HB 1129 Prime Sponsor, Representative R. Fisher: Implementing voter registration by mail. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

On page 4, after line 9, insert the following:

"If a voter registration card is properly mailed as required by this section to the address listed by the applicant as being the applicant's mailing address and the card is subsequently returned to the auditor by the postal service as being undeliverable to the applicant at that address, the voter registration of the applicant shall be immediately canceled. The auditor shall, by the end of the next business day, send the applicant a notice of the cancellation, an explanation as to the reason for the cancellation, and a registration application form. The postal service shall be requested to forward this notice as applicable."

On page 5, after line 4, insert the following:

"Sec. 13. Section 1, chapter 359, Laws of 1987 and RCW 29.10.180 are each amended to read as follows:

(1) Whenever any vote-by-mail ballot, notification to voters following reprecincting of the county, notification to voters of selection to serve on jury duty, or initial voter identification card is returned by the postal service as undeliverable, the county auditor shall, in every instance, inquire into the validity of the registration of that voter.

(2) The county auditor shall initiate his or her inquiry by sending, by first-class mail, a written notice to the challenged voter at the address indicated on the voter's permanent registration record. The county auditor shall not request any restriction on the forwarding of such notice by the postal service. The notice shall contain the nature of the inquiry and provide a suitable form for reply. The notice shall also contain a warning that the county auditor must

receive a response within sixty days from the date of mailing or the individual's voter registration will be canceled.

(3) The voter, in person or in writing, may state that the information on the permanent voter registration record is correct or may request a change in the information on the permanent registration record no later than the sixtieth day after the date of mailing the inquiry.

(4) Upon the timely receipt of a response signed by the voter, the county auditor shall consider the inquiry satisfied and will make the corrections requested by the voter on the permanent registration record. The county auditor shall cancel the registration of a voter who fails to respond to the notice of inquiry within sixty days after the date of mailing.

(5) The county auditor shall notify the voter whose registration has been canceled by mail as prescribed in RCW 29.10.080. A voter may respond no later than the forty-fifth day after the date of mailing of the notice of cancellation. Upon receipt of the voter response, the auditor shall reinstate the voter.

(6) The provisions of this section do not apply to a notification which has been sent as required by section 8 of this 1989 act and is subsequently returned to the auditor.

Renumber the remaining sections consecutively.

On page 1, line 1 of the title, after "RCW" insert "29.10.180 and"

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector, Sayan and Silver.

Referred to Committee on Appropriations.

February 15, 1989

HB 1156 Prime Sponsor, Representative Holland: Clarifying provisions relating to eighteen year old high school students' residence for the purpose of school assignment. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Cole, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Schoon, Valle and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Betrozoff, Ranking Republican Member; Brumsickle, Rayburn and Walker.

Absent: Representatives Dorn, Fuhrman and P. King.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1190 Prime Sponsor, Representative Sayan: Enacting the ocean natural resources management act. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefore and the substitute bill do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Fuhrman, Hargrove, Raiter and Sayan.

Referred to Committee on Appropriations.

February 14, 1989

HB 1221 Prime Sponsor, Representative McLean: Easing licensing requirements for vehicle auctioneers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member, Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Passed to Committee on Rules for second reading.

February 15, 1989

HB 1232 Prime Sponsor, Representative Rust: Amending the provisions for a surveillance fee for low-level radioactive waste disposal. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 18 after "sources" strike all material through "PROVIDED, That the" on line 19 and insert "~~PROVIDED, That~~) directly related to the disposal site, including but not limited to the management, licensing, monitoring and regulation of the site. The"

Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Gallagher, Jacobsen, Jesernig, May, R. Meyers, Miller, H. Myers and S. Wilson.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1239 Prime Sponsor, Representative P. King: Exempting qualified pension plans from the state usury statute. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Crane, Day, Dorn, Inslee, P. King, Nutley, Schmidt, K. Wilson and Winsley.

Absent: Representative Day.

Passed to Committee on Rules for second reading.

February 15, 1989

HB 1248 Prime Sponsor, Representative Rust: Establishing the academic improvement award program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betrozoff, Ranking Republican Member; Brumsickle, Cole, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representatives Dorn, Fuhrman and P. King.

Referred to Committee on Appropriations.

February 14, 1989

HB 1259 Prime Sponsor, Representative Scott: Exempting guide and service dogs from local license fees. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1263 Prime Sponsor, Representative R. Fisher: Relating to disclosure of improper governmental action. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector, Sayan and Silver.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1273 Prime Sponsor, Representative Cooper: Authorizing counties to defend county officials in recall actions. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Passed to Committee on Rules for second reading.

February 15, 1989

HB 1287 Prime Sponsor, Representative Day: Extending the time frame for possible renewal of escrow agent licenses. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Crane, Day, Dorn, Inslee, P. King and K. Wilson.

Absent: Representatives Zellinsky, Vice Chair; P. King, Nutley, Schmidt and Winsley.

Passed to Committee on Rules for second reading.

February 15, 1989

HB 1292 Prime Sponsor, Representative Braddock: Creating impaired health professional programs. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Vekich and Wolfe.

Absent: Representative Sprenkle.

Passed to Committee on Rules for second reading.

February 15, 1989

HB 1293 Prime Sponsor, Representative G. Fisher: Revising provisions for the community economic revitalization board. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Raiter, Rector, Schoon, Tate, Walk and Youngsman.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1306 Prime Sponsor, Representative Appelwick: Modifying the taxation of tangible personal property. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair, Appelwick, Basich, Fraser, Grant, Haugen, Morris, Phillips, Rust and H. Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Holland, Ranking Republican Member, Horn, Assistant Ranking Republican Member, Brumsickle, Fuhrman, Silver and Van Luvan.

Passed to Committee on Rules for second reading.

February 15, 1989

HB 1319 Prime Sponsor, Representative Ebersole: Adjusting the starting times of legislative sessions and elected officials' terms. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 9, after "shall" strike all material through "business" and insert "not pass legislation"

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; R. King, Morris, O'Brien, Rector and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives McLean, Ranking Republican Member; Hankins and Silver.

Passed to Committee on Rules for second reading.

February 15, 1989

HB 1337 Prime Sponsor, Representative Cole: Mandating imprinting of over-the-counter medications. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Prentice, D. Sommers, Vekich and Wolfe.

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

Absent: Representative Sprengle.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1354 Prime Sponsor, Representative Fraser: Continuing the interagency committee for outdoor recreation. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector, Sayan and Silver.

Absent: Representatives R. King and O'Brien.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1355 Prime Sponsor, Representative G. Fisher: Improving state motor vehicle operations. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 32 after "and" insert "for"

On page 3, after line 9 insert subsections to read as follows:

"(f) To require all state employees, prior to their operating a state-owned passenger vehicle, to complete a safe driving training program that meets the minimum standards and requirements established by the director.

(g) To require all state employees to provide proof of a valid Washington state driver's license prior to operating a state-owned passenger vehicle."

Reletter the remaining subsections consecutively and correct internal references accordingly.

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector, Sayan and Silver.

Absent: Representatives R. King and O'Brien.

Referred to Committee on Appropriations.

February 15, 1989

HB 1368 Prime Sponsor, Representative H. Myers: Creating the community scholarship foundation program. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Insee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Referred to Committee on Appropriations.

February 15, 1989

HB 1383 Prime Sponsor, Representative Nutley: Authorizing the designation of treasurers and auditors by regional planning commissions. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 15 after "treasurer" insert "and county auditor"

On page 2, line 5 after "treasurer" insert "and county auditor"

On page 2, line 24 after "treasurer" insert "and county auditor"

On page 3, line 7 after "treasurer" insert "and county auditor"
 On page 3, line 26 after "treasurer" insert "and county auditor"

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Phillips, Raiter, Rayburn, Wolfe, Wood and Zellinsky.

Absent: Representatives Nutley and Todd.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1388 Prime Sponsor, Representative Cooper: Limiting the application of the good samaritan statute. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector, Sayan and Silver.

Passed to Committee on Rules for second reading.

February 15, 1989

HB 1395 Prime Sponsor, Representative R. Fisher: Exempting certain financial and commercial information from public disclosure. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:
 On page 6, line 7, after "funds" strike ";

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector, Sayan and Silver.

Passed to Committee on Rules for second reading.

February 15, 1989

HB 1433 Prime Sponsor, Representative Wineberry: Extending the voter registration period. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 12 after "transfer" insert "and notice of the special registration and voting procedure provided by section 2 of this 1989 act"

On page 1, line 14 after "before" strike "such closing" and insert "((such)) the closing of the precinct files"

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector, Sayan and Silver.

Referred to Committee on Appropriations.

February 15, 1989

HB 1441 Prime Sponsor, Representative Braddock: Providing for registration of out-of-state pharmacies. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Vekich and Wolfe.

Absent: Representative Sprenkle.

Passed to Committee on Rules for second reading.

February 15, 1989

HB 1448 Prime Sponsor, Representative Jacobsen: Providing for the expenditure of surcharges assessed on radioactive waste disposal. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendments:
 On page 1, line 11 strike "under this section" and insert "pursuant to federal law"

On page 1, line 13 after "costs" strike everything through "facility." on line 15 and insert "after the Hanford low-level radioactive waste facility closes, or to satisfy other post closure surveillance and maintenance obligations incurred by the state."

Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Gallagher, Jacobsen, Jesernig, May, R. Meyers, Miller, H. Myers and S. Wilson.

Referred to Committee on Appropriations.

February 13, 1989

HB 1450 Prime Sponsor, Representative R. Meyers: Regulating motor fuel quality. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representative Betrozoff.

Referred to Committee on Appropriations.

February 15, 1989

HB 1453 Prime Sponsor, Representative Brooks: Including education and prevention services in the impaired physician program. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Vekich and Wolfe.

Absent: Representative Sprenkle.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1485 Prime Sponsor, Representative Jacobsen: Modifying the interest rates that non-profit corporations may charge on postsecondary education loans. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Crane, Day, Dorn, Inslee, P. King, Nutley, Schmidt, K. Wilson and Winsley.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1495 Prime Sponsor, Representative Vekich: Establishing a business and job retention program. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Raiter, Rector, Schoon, Tate, Walk and Youngsman.

Referred to Committee on Appropriations.

February 14, 1989

HB 1505 Prime Sponsor, Representative Zellinsky: Forbidding the use of age as a basis for rating the cost of medicare supplemental health insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Crane, Day, Dorn, Inslee, P. King, Nutley, Schmidt, and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative K. Wilson.

Voting nay: Representatives Beck and K. Wilson.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1535 Prime Sponsor, Representative Pruitt: Directing vehicle insurance rates to consider etching of vehicle identification numbers into the vehicles' windows. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 2, beginning with "participation" strike all material to and including "etch" one line 3, and insert "the etching of"

Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Baugher, Crane, Day, Dorn, Inslee and K. Wilson.

Voting nay: Representatives Beck, Schmidt and Winsley.

Passed to Committee on Rules for second reading.

February 15, 1989

HB 1584 Prime Sponsor, Representative Bristow: Dealing with child care facilities. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Anderson, Hargrove, Leonard, Raiter and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; and Padden.

Absent: Representative Brekke.

Referred to Committee on Appropriations.

February 15, 1989

HB 1587 Prime Sponsor, Representative Nutley: Encouraging the dispersion of child care facilities throughout Washington. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 16 after "for" insert "any"

On page 2, beginning on line 16 strike "be subject to a review by the municipality" and insert "conduct a review"

On page 2, line 28 after "for" insert "any"

On page 2, beginning on line 28 strike "be subject to a review by the municipality" and insert "conduct a review"

On page 3, line 4 after "for" insert "any"

On page 3, line 5 strike "be subject to a review by the county" and insert "conduct a review"

On page 3, beginning on line 13 strike "then each first class city that" and insert "and"

On page 3, line 17 after "for" insert "any"

On page 3, beginning on line 18 strike "shall be subject to a review by the city" and insert "conduct a review"

On page 3, line 31 after "for" insert "any"

On page 3, line 31 after "the" insert "county shall conduct a review of the"

On page 3, line 32 strike "shall be subject to a review by the county"

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Phillips, Raiter, Rayburn, Wolfe, Wood and Zellinsky.

Absent: Representatives Nelson, Nutley and Todd.

Passed to Committee on Rules for second reading.

February 15, 1989

HB 1646 Prime Sponsor, Representative Dellwo: Regarding disciplinary action against realtors. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 12 after "financing" insert ", to any title insurer."
 On page 4, line 16 after "institution" insert ", title insurer."

Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Crane, Day, Dorn, Inslee, P. King and K. Wilson.

Absent: Representatives P. King, Nutley, Schmidt and Winsley.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1663 Prime Sponsor, Representative Nutley: Enacting the farmworker housing act. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Ballard, Inslee, Padden, Rector and Todd.

Referred to Committees on Revenue/Appropriations.

February 15, 1989

HB 1666 Prime Sponsor, Representative Anderson: Establishing voter registration along with driver licensing. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; Hankins, R. King, Morris, O'Brien, Rector and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives McLean, Ranking Republican Member and Silver.

Referred to Committee on Appropriations.

February 15, 1989

HB 1668 Prime Sponsor, Representative Anderson: Providing for public assistance. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Hargrove, Leonard, Padden, Raiter and Winsley.

Absent: Representative Brekke.

Referred to Committee on Appropriations.

February 14, 1989

HB 1682 Prime Sponsor, Representative Brough: Revising provisions for fund raising events by bona fide charitable or nonprofit organizations. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1763 Prime Sponsor, Representative Cooper: Preempting regulation of public liability insurance for motor vehicle common carriers to the state. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:
 On page 1, beginning on line 16, strike all the material down to and including "insurance" on line 17, and insert:
 "This chapter shall exclusively govern the liability insurance requirements"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cantwell, Cooper, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones,

R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representatives Day, Kremen and Prince.

Passed to Committee on Rules for second reading.

February 16, 1989

HB 1772 Prime Sponsor, Representative Spanel: Renaming and defining certain species of fish. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Haugen, Smith and Spanel.

Absent: Representative Vekich.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1801 Prime Sponsor, Representative Sayan: Providing an exemption to the leasehold excise tax. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Basich, Brumsickle, Fraser, Fuhrman, Grant, Haugen, Morris, Phillips, Rust, Silver, H. Sommers and Van Luven.

Absent: Representative Appelwick.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1810 Prime Sponsor, Representative Morris: Revising tax administration and procedure. Reported by Committee on Revenue

MAJORITY recommendation: Do pass with the following amendments:

On page 10, beginning on line 23 strike all of section 13

Renumber the sections consecutively and correct any internal references accordingly

On page 18, line 8, strike "~~((at the rate of nine percent per annum))~~" and insert "at the rate of nine percent per annum"

On page 18, beginning on line 10, after "payment," strike all material through "RCW 84.69-.100." on line 16

On page 19, beginning on line 6 after "option," strike everything through "no" on line 8 and insert "No"

On page 19, line 31, strike "~~((at the rate of three percent per annum))~~" and insert "at the rate of three percent per annum"

On page 19, beginning on line 36, after "taxpayer" strike all material through "later" on page 20, line 6

On page 23, line 9, beginning with "~~(of~~" strike all material through "82.32.050" on line 11, and insert "of one percent per month, or fraction thereof."

On page 23, line 28, beginning with "together" strike all material through "82.32.050" on line 29

On page 23, line 32, beginning with "and" strike all material through "82.32.050" on line 33

On page 24, line 16, beginning with "together" strike all material through "82.32.060" on line 17

On page 24, line 18, beginning with "together" strike all material through "82.32.060" on line 19

On page 1, line 3 of the title strike "84.48.010."

Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Basich, Brumsickle, Fraser, Fuhrman, Grant, Haugen, Morris, Phillips, Rust, Silver, H. Sommers and Van Luven.

Absent: Representative Appelwick.

Passed to Committee on Rules for second reading.

February 15, 1989

HB 1822 Prime Sponsor, Representative Jacobsen: Enhancing access to upper division and graduate level higher education programs. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Voting nay: Representatives Spanel, Vice Chair; and Inslee.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1839 Prime Sponsor, Representative Leonard: Requiring employers to maintain employee benefits for an injured worker returning to a light duty job. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 16, after "employees" strike all material through "benefits," on line 17 and insert "health and welfare benefits or child care benefits"

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1858 Prime Sponsor, Representative Kremen: Authorizing the supervisor of banking to regulate the small business association 7(a) loan guaranty program. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Raiter, Rector, Schoon, Tate, Walk and Youngsman.

Referred to Committee on Appropriations.

February 15, 1989

HB 1870 Prime Sponsor, Representative Vekich: Providing employment protection for classified school employees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 1, at the beginning of line 7 insert "(1)"

On page 1, line 13 following "contract" insert ", except for employees in director/supervisor, professional, and technical positions.

(2) For the purposes of this section:

(a) 'Director/supervisor position' means a position in which an employee directs staff members and manages a function, a program, or a support service.

(b) 'Professional position' means a position for which an employee is required to have a high degree of knowledge and skills acquired through a baccalaureate degree or its equivalent.

(c) 'Technical position' means a position for which an employee is required to have a combination of knowledge and skills that can be obtained through approximately two years of post-high school education, such as from a vocational-technical institute or community college, or by on-the-job training"

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Smith and Wolfe.

Passed to Committee on Rules for second reading.

February 15, 1989

HB 1999 Prime Sponsor, Representative Cantwell: Establishing the flexible manufacturing network grant program. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Raiter, Rector, Schoon, Tate, Walk and Youngsman.

Referred to Committee on Appropriations.

February 16, 1989

HJR 4209 Prime Sponsor, Representative Winsley: Amending the Constitution to allow current use valuation for low-income housing and mobile home parks. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Ballard, Inslee, Rector and Todd.

Absent: Representative Padden.

Referred to Committee on Revenue.

MOTION

On motion of Mr. Ebersole, the bills and resolution listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1374 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1374, by Representatives Padden, Wang, Dellwo and P. King; by request of Administrator for the Courts

Changing provisions relating to transferring cases between superior courts.

The bill was read the second time.

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

Representatives Padden and Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1374, and the bill passed the House by the following vote: Yeas, 92; absent, 5; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky - 92.

Absent: Representatives Brekke, Locke, Sayan, Sprengle, Wolfe - 5.

Excused: Mr. Speaker - 1.

House Bill No. 1374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Brekke, Locke, Sayan, Sprengle and Wolfe appeared at the bar of the House.

STATEMENT FOR THE JOURNAL

I missed the vote on final passage of House Bill No. 1374 because of continuation of business in the Committee on Commerce & Labor.

CHARLES R. WOLFE, 4th District.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 11:00 a.m.

The Speaker (Mr. O'Brien presiding) called the House to order at 11:08 a.m.

HOUSE BILL NO. 1041, by Representatives Baugher, Inslee, Dellwo, Todd, Rayburn, Crane, Zellinsky, Jones, Nelson, Grant, Gallagher, R. King, Hine, Sayan, Padden, Walker, Ballard, Silver, May, Brooks, McLean, Dorn, Fuhrman, S. Wilson, Smith, Sprenkle, Jesernig, Winsley, P. King, R. Meyers, Brough, Chandler, Schoon, Rector, Wineberry, Patrick, Jacobsen, Kremen, Van Luven, D. Sommers, Betrozoff, Schmidt, Rasmussen, K. Wilson and Spanel

Requiring motor vehicle insurance.

The bill was read the second time. On motion of Mr. Dellwo, Substitute House Bill No. 1041 was substituted for House Bill No. 1041, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1041 was read the second time.

Mr. Holland moved adoption of the following amendment:

On page 5, after line 8, insert the following:

"Sec. 9, Section 27, chapter 150, Laws of 1967 as last amended by section 1, chapter 328, Laws of 1985 and RCW 48.22.030 are each amended to read as follows:

(1) 'Underinsured motor vehicle' means a motor vehicle with respect to the ownership, maintenance, or use of which either no bodily injury or property damage liability bond or insurance policy applies at the time of an accident, or with respect to which the sum of the limits of liability under all bodily injury or property damage liability bonds and insurance policies applicable to a covered person after an accident is less than the applicable damages which the covered person is legally entitled to recover.

(2) No new policy or renewal of an existing policy insuring against loss resulting from liability imposed by law for bodily injury, death, or property damage, suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle shall be issued with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of underinsured motor vehicles, hit-and-run motor vehicles, and phantom vehicles because of bodily injury, death, or property damage, resulting therefrom, except while operating or occupying a motorcycle or motor-driven cycle, and except while operating or occupying a motor vehicle owned or available for the regular use by the named insured or any family member, and which is not insured under the liability coverage of the policy. The coverage required to be offered under this chapter is not applicable to general liability policies, commonly known as umbrella policies, or other policies which apply only as excess to the insurance directly applicable to the vehicle insured.

(3) Except as to property damage, coverage required under subsection (2) of this section shall be in the same amount as the insured's third party liability coverage (~~unless the insured rejects all or part of the coverage as provided in subsection (4) of this section. Coverage for property damage need only be issued in conjunction with coverage for bodily injury or death~~). Property damage coverage required under subsection (2) of this section shall mean physical damage to the insured motor vehicle unless the policy specifically provides coverage for the contents thereof or other forms of property damage.

(4) A named insured or spouse may reject, in writing, underinsured coverage for (~~bodily injury or death, or~~) property damage, and the requirements of subsections (2) and (3) of this section shall not apply. If a named insured or spouse has rejected underinsured coverage for property damage, such coverage shall not be included in any supplemental or renewal policy unless a named insured or spouse subsequently requests such coverage in writing. The requirement of a written rejection under this subsection shall apply only to the original issuance of policies issued after July 24, 1983, and not to any renewal or replacement policy.

(5) The limit of liability under the policy coverage may be defined as the maximum limits of liability for all damages resulting from any one accident regardless of the number of covered persons, claims made, or vehicles or premiums shown on the policy, or premiums paid, or vehicles involved in an accident.

(6) The policy may provide that if an injured person has other similar insurance available to him under other policies, the total limits of liability of all coverages shall not exceed the higher of the applicable limits of the respective coverages.

(7) (a) The policy may provide for a deductible of not more than three hundred dollars for payment for property damage when the damage is caused by a hit-and-run driver or a phantom vehicle.

(b) In all other cases of underinsured property damage coverage, the policy may provide for a deductible of not more than one hundred dollars.

(8) For the purposes of this chapter, a 'phantom vehicle' shall mean a motor vehicle which causes bodily injury, death, or property damage to an insured and has no physical contact with the insured or the vehicle which the insured is occupying at the time of the accident if:

(a) The facts of the accident can be corroborated by competent evidence other than the testimony of the insured or any person having an underinsured motorist claim resulting from the accident; and

(b) The accident has been reported to the appropriate law enforcement agency within seventy-two hours of the accident."

Renumber the sections following consecutively, and correct internal references accordingly.

Mr. Holland spoke in favor of adoption of the amendment, and Mr. Dellwo opposed it.

The amendment was not adopted.

Ms. Doty moved adoption of the following amendment:

On page 5, line 26, after "date," insert "The house of representatives financial institutions and insurance committee and the senate financial institutions and insurance committee, with the assistance of the department of licensing, shall review the effectiveness of this act to determine whether the practice of mandating automobile liability insurance coverage should be continued, and report to the legislature before December 15, 1994. Sections 1 through 5 and 9 of this act and the amendatory provisions of sections 6 through 8 of this 1989 act terminate June 30, 1995, unless extended by law."

Representatives Doty, May, Padden and Moyer spoke in favor of adoption of the amendment, and Representatives Dellwo and Baugher opposed it.

The amendment was not adopted.

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

Representatives Baugher, Zellinsky, Ballard, Day, S. Wilson, Inslee and Chandler spoke in favor of passage of the bill, and Representatives Miller, Prince and Brough opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1041, and the bill passed the House by the following vote: Yeas, 94; nays, 3; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Mary, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Vaile, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 94.

Voting nay: Representatives Brough, Miller, Prince - 3.

Excused: Mr. Speaker - 1.

Substitute House Bill No. 1041, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

February 17, 1989

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1599 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that chapter 74.50 RCW, the alcoholism and drug addiction treatment and support act, is a successful method of providing treatment to

indigent alcoholics and drug addicts. The legislature further finds that the program is facing fiscal restraints in the current biennium that may prevent the program from accomplishing its mission and may do irreparable harm to the continuation of the program.

NEW SECTION. Sec. 2. A new section is added to chapter 74.50 RCW to read as follows:

Within available funds, the department may provide to eligible persons services for assessment, inpatient and outpatient treatment, and shelter. In order to control expenditures or to comply with conditions or limitations placed on appropriations, the department may establish caseload ceilings and client eligibility standards for any of these services. The eligibility standards may provide for limiting eligibility for any service to that class or classes of applicants that the department determines constitute the highest priority for services under this chapter. The department's determination of priority shall be based on the department's estimate of the potential benefit to applicants and the likelihood that the service will reduce future demands for state assistance. The department may provide such a priority classification system for any or all services provided under this chapter. Any caseload ceiling or priority classification system adopted by the department shall be consistent with any appropriation condition or limitation prescribing or dealing with such a ceiling or system. If funds provided for any of these services have been fully expended, the department shall immediately discontinue that service.

NEW SECTION. Sec. 3. A new section is added to chapter 74.08 RCW to read as follows:

Nothing in this chapter except RCW 74.08.070 and 74.08.080 applies to chapter 74.50 RCW.

NEW SECTION. Sec. 4. Section 4, chapter 406, Laws of 1987, section 2, chapter 163, Laws of 1988 and RCW 74.50.030 are each repealed.

NEW SECTION. Sec. 5. The sum of ten million two hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal biennium ending June 30, 1989, from the general fund to the department of social and health services solely for alcoholism and drug addiction services as specifically described in this section. Four million eight hundred thousand dollars of this appropriation shall be from federal sources. The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation shall not be construed as a commitment to a funding level for the program for the 1989-91 fiscal biennium.

(2) The department shall manage treatment services so that caseloads are gradually modified to produce a caseload of approximately 1,075 outpatient clients on June 30, 1989. Living allowance stipends for outpatient treatment clients may be paid within this appropriation.

(3) The highest priority classes of clients for treatment services, in order of priority, are: (a) Pregnant women; (b) persons referred through child protective services; (c) adults living in households with children; and (d) persons who receive substantial services from the state, as determined by the department.

(4) The department shall manage shelter services so that caseloads are gradually modified to achieve an average of approximately 1,213 clients per month receiving shelter services during the period from January 1, 1989, through June 30, 1989.

(5) For the period February 1, 1989, through June 30, 1989, the average monthly rate of expenditure for assessment services shall be not more than seventy-five percent of the expenditure rate for assessment services during January 1989.

(6) If any condition or limitation in this section is held null or invalid, the general fund—state appropriation in this section shall lapse and any unexpended funds shall revert to an unappropriated status.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, beginning on line 2 of the title, after "addiction," strike the remainder of the title and insert "adding a new section to chapter 74.50 RCW; adding a new section to chapter 74.08 RCW; creating a new section; repealing RCW 74.50.030; making an appropriation; and declaring an emergency."

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

MOTION

Mr. Locke moved that the House do concur in the Senate amendments to Substitute House Bill No. 1599.

Representatives Locke, Youngsman and Brække spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1599 as amended by the Senate.

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

MOTION

Ms. Hine moved that the remarks of Representative Locke be spread upon the Journal. The motion was carried.

REMARKS BY REPRESENTATIVE LOCKE

Mr. Locke: Thank you, Mr. Speaker. I think the House can feel very good about this legislation, even though it is not quite at the level that we first proposed. This ADATSA Program replaced the so-called "drunk check" that was available to welfare recipients two years ago. It was the House that reformed that "drunk check" system, where transients from out of state would come and get these drunk checks, cash them, and then use them for alcohol and drugs. We required that, for those people receiving them, there be a trustee to receive the money, to make sure that the money went for food and shelter. We also had a drug and alcohol treatment component that turned out to be so successful that we had so many people sign up for the program that we ran out of money. In this proposal here we will now allow new people to come into the program where the Senate originally said no new people. So we have prevailed on that score. We also previously said that we wanted more people entering into the shelter side; the Senate said no new people. We have prevailed on that side, and, in fact, there will be almost five hundred new people being able to enter into the treatment program and about fifty people entering into the shelter component—more than half-way, and in some cases almost three-fourths of the way, to what the House had first proposed.

There is language, however, in this bill that I think is very bad policy, and I will speak to that momentarily. The Senate has proposed that, if any part of this legislation is held invalid, the entire appropriation is dead or goes away. It is kind of a poison pill. It is basically trying to threaten Legal Services from filing a lawsuit to challenge any provision of this legislation. They have challenged the legislation before and have succeeded. But we have rewritten the entire legislation, so that we think it is immune from any court or lawsuit. Nonetheless, the Senate has said that, if we still have not done a good enough job and if Legal Services wins in court, then all the money for treatment goes away. We think that is bad public policy for many reasons. First of all, Legal Services is concerned about protecting shelters; they are not concerned about the treatment side. If they prevail in court, not only would the shelter side be rewritten by the courts, but all the money for the treatment side would go by the wayside. So the entire program would stop dead in its tracks. We don't have enough time, quite frankly, to argue with the Senate on this, because today is the last day by which the department must file the notice on whether or not it will continue the ADATSA Program or whether or not all providers and patients must get ready to terminate the program.

So we reluctantly accept this poison pill, even though it is bad public policy. We want to warn the Senate, because if, in fact, Legal Services succeeds in a lawsuit and if, in fact, we are no longer in session when that court case comes down, whether it is in May or June, then the entire program will terminate in its tracks and the Legislature will not have the ability to come back and fix the problem. All the wrath of the public will descend upon the heads of the Legislature. I think that is very bad public policy. However, we feel that since we have provided more money for shelter, since we have addressed many of the concerns of Legal Services and since we have rewritten the statute, it is much more immune from a lawsuit. We reluctantly accept the poison-pill language of the Senate. Quite frankly, I don't think the public would be able to understand why we might allow the program to undergo the process of termination and notices of termination, while we argue with the Senate on this provision. It is bad public policy, also bad politically and in terms of public perception—they wouldn't understand it. We feel that there are enough safeguards in the bill that we are willing, as a House, to take that risk. I urge your support for the legislation.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1599 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insole, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Loven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Yougsmann, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Substitute House Bill No. 1599 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1629 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1629, by Representatives Vekich, Patrick, Cole, Locke, Appelwick, Anderson, Winsley, Leonard, Prentice, R. King, Rector, Wineberry, Scott, Jacobsen, Belcher, Cooper, Pruitt, Wang, Nutley, Phillips, K. Wilson, Cantwell, Valle, Brekke, Fraser, Nelson, P. King, O'Brien, Dellwo, Basich, Sayan, Ebersole, Rust, R. Fisher and Sprenkle; by request of Employment Security Department

Revising unemployment compensation provisions for agricultural labor.

(See Journal, 38th Day, February 15, 1989, for previous action).

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

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

SIGNED BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced he was signing:
SUBSTITUTE HOUSE BILL NO. 1599.

Ms. Rayburn moved adoption of the following amendment by Representatives Rayburn, Patrick, Chandler, Nealey, Baugher, Grant and Ballard:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 16, chapter 35, Laws of 1945 as last amended by section 2, chapter 292, Laws of 1977 ex. sess. and RCW 50.04.150 are each amended to read as follows:

Except as otherwise provided in RCW 50.04.155, the term 'employment' shall not include service performed by individuals under eighteen years of age in agricultural labor (except as otherwise provided in RCW 50.04.155) or services in agricultural labor by individuals who performed such services in less than thirteen calendar weeks during any four consecutive calendar quarters.

Agricultural labor is defined as services performed:

(1) On a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wild life, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or

(2) In packing, packaging, grading, storing, or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations. The exclusions from the term 'employment' provided in this paragraph shall not be deemed to be applicable with respect to commercial packing houses, commercial storage establishments, commercial canning, commercial freezing, or any other commercial processing or with respect to services performed in connection with the cultivation, raising, harvesting and processing of oysters or raising and harvesting of mushrooms or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

Sec. 2. Section 5, chapter 205, Laws of 1984 as last amended by section 3, chapter 171, Laws of 1987 and RCW 50.29.025 are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
3.40 and above	A
2.90 to 3.39	B
2.40 to 2.89	C
1.90 to 2.39	D
1.40 to 1.89	E
Less than 1.40	F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following table for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of Cumulative Taxable Payrolls		Rate Class	Schedule of Contribution Rates for Effective Tax Schedule					
From	To		A	B	C	D	E	F
0.00	5.00	1	0.48	0.58	0.98	1.48	1.88	2.48
5.01	10.00	2	0.48	0.78	1.18	1.68	2.08	2.68
10.01	15.00	3	0.58	0.98	1.38	1.78	2.28	2.88
15.01	20.00	4	0.78	1.18	1.58	1.98	2.48	3.08
20.01	25.00	5	0.98	1.38	1.78	2.18	2.68	3.18
25.01	30.00	6	1.18	1.58	1.98	2.38	2.78	3.28
30.01	35.00	7	1.38	1.78	2.18	2.58	2.98	3.38
35.01	40.00	8	1.58	1.98	2.38	2.78	3.18	3.58
40.01	45.00	9	1.78	2.18	2.58	2.98	3.38	3.78
45.01	50.00	10	1.98	2.38	2.78	3.18	3.58	3.98
50.01	55.00	11	2.28	2.58	2.98	3.38	3.78	4.08
55.01	60.00	12	2.48	2.78	3.18	3.58	3.98	4.28
60.01	65.00	13	2.68	2.98	3.38	3.78	4.18	4.48
65.01	70.00	14	2.88	3.18	3.58	3.98	4.38	4.68
70.01	75.00	15	3.08	3.38	3.78	4.18	4.58	4.78
75.01	80.00	16	3.28	3.58	3.98	4.38	4.68	4.88
80.01	85.00	17	3.48	3.78	4.18	4.58	4.88	4.98
85.01	90.00	18	3.88	4.18	4.58	4.88	4.98	5.18
90.01	95.00	19	4.28	4.58	4.98	5.08	5.18	5.38
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40

(6) The contribution rate for each employer not qualified to be in the array shall be ~~((a rate equal to the average industry tax rate as determined by the commissioner, however, the rate may not be less than one percent PROVIDED, That))~~ as follows:

(a) Employers who do not meet the definition of 'qualified employer' by reason of failure to pay contributions when due shall be assigned the contribution rate of five and four-tenths percent;

(b) The tax rate for employers exempt as of December 31, 1989, who are newly covered under the section 1, chapter . . . , Laws of 1989 (section 1 of this act) amendment to RCW 50.04.150 and not yet qualified to be in the array shall be two percent; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the 'Standard Industrial Classification Manual' issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

Sec. 3. Section 83, chapter 35, Laws of 1945 as last amended by section 7, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.150 are each amended to read as follows:

The applicant for initial determination, ~~((his))~~ the applicant's most recent employing unit as stated by the applicant, all base year employers, and any other interested party which the commissioner by regulation prescribes, shall, if not previously notified within the same continuous period of unemployment, be given notice promptly in writing that an application for initial determination has been filed and such notice shall contain the reasons given by the applicant for his last separation from work. If, during ~~((his))~~ a benefit year, the applicant becomes unemployed after having accepted subsequent work, and reports for the purpose of reestablishing ~~((his))~~ eligibility for benefits, a similar notice shall be given promptly to ~~((his-then))~~ the most recent employing unit as stated by ((him)) the applicant, ((or)) all base year employers, and to any other interested party which the commissioner by regulation prescribes.

~~((Each base year employer shall be promptly notified of the filing of any application for initial determination which may result in a charge to his account.))~~

NEW SECTION. Sec. 4. A new section is added to chapter 50.24 RCW to read as follows:

The department shall adopt rules to collect contributions from employers for individuals who performed agricultural services for one or more employers during at least thirteen calendar weeks during any four consecutive calendar quarters. The rules shall require that employers report wages, hours worked, and the number of weeks employed for all employees. The department shall bill liable employers quarterly for contributions due.

Sec. 5. Section 78, chapter 35, Laws of 1945 as last amended by section 6, chapter 33, Laws of 1977 ex. sess. and RCW 50.20.100 are each amended to read as follows:

Suitable work for an individual is employment in an occupation in keeping with the individual's prior work experience, education, or training and if the individual has no prior work experience, special education, or training for employment available in the general area, then employment which the individual would have the physical and mental ability to perform, and for individuals with base year work experience in agricultural labor, any agricultural labor available from any employer shall be deemed suitable unless it meets the conditions in RCW 50.20.110 or the commissioner finds elements of specific work opportunity unsuitable for a particular individual. In determining whether work is suitable for an individual, the commissioner shall also consider the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness, the individual's length of unemployment and prospects for securing local work in the individual's customary occupation, the distance of the available work from the individual's residence, and such other factors as the commissioner may deem pertinent, including state and national emergencies.

NEW SECTION. Sec. 6. (1) It is the intent of the legislature that the department undertake activities to accomplish the following:

(a) Ensure increased compliance with work search requirements;

(b) Provide employers prompt notification of potential claims filed against their experience rating and information in lay language explaining what their rights are to appeal the claim and how and where they must respond to protect those rights;

(c) Develop ways to better inform employers of the operations of the unemployment laws such as how employers must offer work which may involve different wage rates for different work activities to avoid confusion so employees may make a claim and qualifying for benefits when assigned a lower paying work activity;

(d) Reduce claimant and employer fraud; and

(e) Implement voluntary combined reporting for employment security department, department of labor and industries, department of licensing, and department of revenue required reports.

(2) The department shall report to the appropriate standing committees of the legislature by January 10, 1990, 1991, and 1992 and include a description of the activities of the department to carry out the intents of this section and provide quantitative data where possible on the effectiveness of the activities undertaken by the department to comply with the intents of this section during the previous calendar year.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

POINT OF ORDER

Mr. Vekich: Thank you, Mr. Speaker. I would like you to rule on the scope and object of the amendment as it pertains to the bill.

SPEAKER'S RULING

The Speaker (Mr. O'Brien presiding): In connection with your Point of Order, Representative Vekich, the Speaker finds that your point is well taken. Rule 12(E), for instance, says, "Scope and Object Not To Be Changed. No amendment to any bill shall be allowed which shall change the scope and object of the bill." In this particular instance, we have Section 3 where employment compensation applies to all employers, and also Section 6 where it appears that a study is asked for. These two instances are beyond the scope and object of the original bill, which pertains to unemployment for agricultural workers. The amendment is declared out of order.

Mr. Insee moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 16, chapter 35, Laws of 1945 as last amended by section 2, chapter 292, Laws of 1977 ex. sess. and RCW 50.04.150 are each amended to read as follows:

The term 'employment' shall not include service performed by individuals under eighteen years of age in agricultural labor except as otherwise provided in RCW 50.04.155.

Agricultural labor is defined as services performed:

(1) On a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wild life, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or

(2) In packing, packaging, grading, storing, or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations. The exclusions from the term 'employment' provided in this paragraph shall not be deemed to be applicable with respect to commercial packing houses, commercial storage establishments, commercial canning, commercial freezing, or any other commercial processing or with respect to services performed in connection with the cultivation, raising, harvesting and processing of oysters or raising and harvesting of mushrooms or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

Sec. 2. Section 5, chapter 205, Laws of 1984 as last amended by section 3, chapter 171, Laws of 1987 and RCW 50.29.025 are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
3.40 and above	A
2.90 to 3.39	B
2.40 to 2.89	C
1.90 to 2.39	D
1.40 to 1.89	E

Less than 1.40

F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following table for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of Cumulative Taxable Payrolls		Rate Class	Schedule of Contribution Rates for Effective Tax Schedule					
From	To		A	B	C	D	E	F
0.00	5.00	1	0.48	0.58	0.98	1.48	1.88	2.48
5.01	10.00	2	0.48	0.78	1.18	1.68	2.08	2.68
10.01	15.00	3	0.58	0.98	1.38	1.78	2.28	2.88
15.01	20.00	4	0.78	1.18	1.58	1.98	2.48	3.08
20.01	25.00	5	0.98	1.38	1.78	2.18	2.68	3.18
25.01	30.00	6	1.18	1.58	1.98	2.38	2.78	3.28
30.01	35.00	7	1.38	1.78	2.18	2.58	2.98	3.38
35.01	40.00	8	1.58	1.98	2.38	2.78	3.18	3.58
40.01	45.00	9	1.78	2.18	2.58	2.98	3.38	3.78
45.01	50.00	10	1.98	2.38	2.78	3.18	3.58	3.98
50.01	55.00	11	2.28	2.58	2.98	3.38	3.78	4.08
55.01	60.00	12	2.48	2.78	3.18	3.58	3.98	4.28
60.01	65.00	13	2.68	2.98	3.38	3.78	4.18	4.48
65.01	70.00	14	2.88	3.18	3.58	3.98	4.38	4.68
70.01	75.00	15	3.08	3.38	3.78	4.18	4.58	4.78
75.01	80.00	16	3.28	3.58	3.98	4.38	4.68	4.88
80.01	85.00	17	3.48	3.78	4.18	4.58	4.88	4.98
85.01	90.00	18	3.88	4.18	4.58	4.88	4.98	5.18
90.01	95.00	19	4.28	4.58	4.98	5.08	5.18	5.38
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40

(6) The contribution rate for each employer not qualified to be in the array shall be ~~((a rate equal to the average industry tax rate as determined by the commissioner; however, the rate may not be less than one percent; PROVIDED, That))~~ as follows:

(a) Employers who do not meet the definition of 'qualified employer' by reason of failure to pay contributions when due shall be assigned the contribution rate of five and four-tenths percent;

(b) The tax rate for employers newly covered under RCW 50.04.150 and not yet qualified to be in the array shall be two percent; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the 'Standard Industrial Classification Manual' issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

Sec. 3. Section 83, chapter 35, Laws of 1945 as last amended by section 7, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.150 are each amended to read as follows:

The applicant for initial determination, ~~((his))~~ the applicant's most recent employing unit as stated by the applicant, all base year agricultural employers, and any other interested party which the commissioner by regulation prescribes, shall, if not previously notified within the same continuous period of unemployment, be given notice promptly in writing that an application for initial determination has been filed and such notice shall contain the reasons given by the applicant for his last separation from work. If, during ~~((his))~~ a benefit year, the applicant becomes unemployed after having accepted subsequent work, and reports for the purpose of reestablishing ~~((his))~~ eligibility for benefits, a similar notice shall be given promptly to ~~((his))~~

them) the most recent employing unit as stated by ((him)) the applicant, ((or)) all base year agricultural employers, and to any other interested party which the commissioner by regulation prescribes.

((Each)) All other base year employers shall be promptly notified of the filing of any application for initial determination which may result in a charge to ((his)) their accounts.

Sec. 4. Section 1, chapter 27, Laws of 1988 and RCW 50.29.020 are each amended to read as follows:

(1) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department. Benefits paid to any eligible individuals shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(2) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individuals later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer.

(b) Benefits paid to an individual under the provisions of RCW 50.12.050 shall not be charged to the account of any contribution paying employer if the wage credits earned in this state by the individual during his or her base year are less than the minimum amount necessary to qualify the individual for unemployment benefits.

(c) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer.

(d) Benefits paid which represent the state's share of benefits payable under chapter 50.22 RCW shall not be charged to the experience rating account of any contribution paying employer.

(e) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(f)(i) Benefits paid to an individual as the result of a determination by the commissioner that no stoppage of work exists, pursuant to RCW 50.20.090, shall not be charged to the experience rating account of any contribution paying employer.

(ii) Benefits paid to an individual under RCW 50.20.090(1) for weeks of unemployment ending before February 20, 1987, shall not be charged to the experience rating account of any base year employer.

(g) In the case of individuals identified under RCW 50.20.015, benefits paid with respect to a calendar quarter, which exceed the total amount of wages earned in the state of Washington in the higher of two corresponding calendar quarters included within the individual's determination period, as defined in RCW 50.20.015, shall not be charged to the experience rating account of any contribution paying employer.

(h) Effective with weeks claimed beginning on and after December 31, 1989, and ending January 2, 1993, benefits paid to individuals that are based on employment newly covered under RCW 50.04.150 shall not be charged to the experience rating account of any base year employer newly covered under RCW 50.04.150 unless the individual's base year included more than five hundred twenty hours in agricultural employment.

(i) Beginning July 1, 1985, a contribution-paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if:

(i) The benefit charges result from payment to an individual who last left the employ of such employer voluntarily for reasons not attributable to the employer, or was discharged for misconduct connected with his or her work; and

(ii) The employer requests relief of charges in writing within thirty days following mailing to the last known address of the notification of the initial determination of such a claim, stating the date and reason for the last leaving; and

(iii) Upon investigation of the separation, the commissioner rules that the relief should be granted.

((f)) (j) Benefits paid to an individual who does not successfully complete an approved on-the-job training program under RCW 50.12.240 shall not be charged to the experience rating account of the contribution paying employer who provided the approved on-the-job training.

((f)) (k) Benefits paid resulting from a closure or severe curtailment of operations at the employer's plant, building, work site, or facility due to damage caused by fire, flood, or other natural disaster shall not be charged to the experience rating account of the employer if:

- (i) The employer petitions for relief of charges; and
- (ii) The commissioner approves granting relief of charges.

Sec. 5. Section 78, chapter 35, Laws of 1945 as last amended by section 6, chapter 33, Laws of 1977 ex. sess. and RCW 50.20.100 are each amended to read as follows:

Suitable work for an individual is employment in an occupation in keeping with the individual's prior work experience, education, or training and if the individual has no prior work experience, special education, or training for employment available in the general area, then employment which the individual would have the physical and mental ability to perform, and for individuals with base year work experience in agricultural labor, any agricultural labor available from any employer shall be deemed suitable unless the commissioner finds elements of specific work opportunity unsuitable for a particular individual. In determining whether work is suitable for an individual, the commissioner shall also consider the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness, the individual's length of unemployment and prospects for securing local work in the individual's customary occupation, the distance of the available work from the individual's residence, and such other factors as the commissioner may deem pertinent, including state and national emergencies.

NEW SECTION. Sec. 6. A new section is added to chapter 50.04 RCW to read as follows:

(1) The term 'employer newly covered under RCW 50.04.150' means an employer who employs, during calendar years 1990, 1991, and 1992, individuals whose services are excluded from employment as defined in Title 50 RCW by the section amended in section 1, chapter ____, Laws of 1989 (section 1 of this act).

(2) The term 'employment newly covered under RCW 50.04.150' means services performed during calendar years 1990, 1991, and 1992, that are excluded from employment as defined in Title 50 RCW by the section amended in section 1, chapter ____, Laws of 1989 (section 1 of this act).

NEW SECTION. Sec. 7. (1) It is the intent of the legislature that the department undertake activities to accomplish the following:

- (a) Ensure increased compliance with work search requirements for agricultural employments;
- (b) Provide agricultural employers prompt notification of potential claims against their experience rating accounts with information in lay language explaining their right to appeal the claim, including the time and place to respond to protect those rights;
- (c) Develop methods to improve communications to agricultural employers on the operation of the unemployment laws, including the effects of employer offers of work at different wage rates for different work activities; and
- (d) Reduce claimant fraud among agricultural claimants.

(2) The department shall report to the appropriate standing committees of the legislature by January 10, 1990, 1991, and 1992, describing the department's activities undertaken to carry out the intent of this section and providing quantitative data where possible on the effectiveness of the department's activities.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 10. This act shall take effect January 1, 1990.*

Representatives Inslee, Patrick, Rayburn and Chandler spoke in favor of adoption of the amendment, and Representatives Vekich and Cole opposed it.

MOTION

Mr. Ballard moved that House Bill No. 1629 be referred to Committee on Agriculture & Rural Development.

Mr. May demanded an electric roll vote, and the demand was sustained.

Representatives Ebersole and Kremen spoke against the motion, and Representatives Ballard, Chandler and Padden spoke in favor of it.

POINT OF INQUIRY

Mr. Vekich yielded to question by Mr. Smith.

Mr. Smith: Representative Vekich, we have a bill here that pertains to agricultural workers under 18. What I want to know is, are workers in McDonald's under 18 treated the same as farm workers, if this bill is passed? Do they draw unemployment?

Mr. Vekich: Yes.

Representatives Rayburn and Brough spoke in favor of the motion, and Mr. Ebersole again spoke against it.

Mr. Crane demanded the previous question.

ROLL CALL

The Clerk called the role on the motion by Mr. Ballard to refer House Bill No. 1629 to Committee on Agriculture & Rural Development, and the motion was lost by the following vote: Yeas, 37; nays, 60; excused, 1.

Voting yea: Representatives Ballard, Baugher, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 37.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky - 60.

Excused: Mr. Speaker - 1.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the adoption of the amendment by Mr. Inslee.

Mr. Inslee again spoke in favor of the amendment, and Mr. Vekich again opposed it.

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

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Mr. Inslee to House Bill No. 1629, and the amendment was not adopted by the following vote: Yeas, 44; nays, 53; excused, 1.

Voting yea: Representatives Ballard, Baugher, Beck, Betrozoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Hankins, Haugen, Holland, Horn, Inslee, Kremen, May, McLean, Miller, Morris, Moyer, Nealey, Padden, Patrick, Prince, Rasmussen, Rayburn, Schmidt, Silver, Smith, Sommers D, Tate, Van Luven, Walk, Walker, Wilson S, Wolfe, Wood, Youngsman, Zellinsky - 44.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Heavey, Hine, Jacobsen, Jesernig, Jones, King P, King R, Leonard, Locke, Meyers R, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rector, Rust, Sayan, Schoon, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Wang, Wilson K, Wineberry, Winsley - 53.

Excused: Mr. Speaker - 1.

House Bill No. 1629 was passed to Committee on Rules for third reading.

MESSAGE FROM THE SENATE

February 17, 1989

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1599,

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

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

MOTION

On motion of Mr. Ebersole, House Bill No. 1165 was referred from Committee on Local Government to Committee on Trade & Economic Development.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4622, by Representatives Cole, Walker, Leonard, Prentice, Smith, Kremen, Brooks, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brække, Bristow, Brough, Brumsickle, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, D. Sommers, H. Sommers, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, The people of Washington State recognize the increasing value, importance and need for vocational instruction and training in order to maintain a strong workforce and assist individuals in reaching their career goals; and

WHEREAS, The citizens of this state have available to them a vocational education system that produces a dedicated, well-trained workforce which is vital to the health of our economy; and

WHEREAS, Our public high schools, skill centers, vocational-technical institutes and community colleges, along with community-based organizations and private training agencies, provide programs to people seeking to acquire and/or enhance their skills and enrich their lives; and

WHEREAS, Vocational education encourages growth and invigorates Washington's businesses and industries by preparing workers to be part of a future of growth through the next decade; and

WHEREAS, Solid vocational education programs, planned and taught by skilled vocational educators, are vital to the future economic development of our state and the well-being of its citizens; and

WHEREAS, The Governor of the State of Washington, Booth Gardner, has proclaimed the week of February 13 through 17, 1989, as Vocational Education Week;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor the students and teachers who are part of vocational education in this state because it contributes so much to create strong communities and a strong economy.

Ms. Cole moved adoption of the resolution and spoke in favor of it.

On motion of Mr. Kremen, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 89-4622 was adopted.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Monday, February 20, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FORTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Monday, February 20, 1989

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Doty, P. King, Locke and Schoon. On motion of Mr. Ebersole, Representatives P. King and Locke were excused. On motion of Ms. Miller, Representatives Doty and Schoon were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Julie Heilman and Genevieve Haines. Prayer was offered by The Reverend David Steen, Minister of the Good Shepherd Lutheran Church of Olympia.

SPEAKER'S PRIVILEGE

The Speaker introduced Miss Danielle Reynaud of Twisp, Washington, who was visiting the State Capitol in conjunction with the Children's Initiative Rally. Danielle sang "America The Beautiful" for the members of the House of Representatives.

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

**CENTENNIAL MESSAGE
FROM THE WASHINGTON STATE HISTORICAL SOCIETY**

February 20, 1989

On this day in 1889 the first newspaper in Wahkiakum County, The Cathlamet Herald, had just appeared, and the Big Bend Empire newspaper in Waterville said that no land in Washington was worthless. Apparently, poor land would grow strawberries and prunes and might be suitable for raising chickens.

And, on this day in 1914, near Chuckanut Bay three train robbers took passengers' valuables and killed three people on a Great Northern run from Burlington to Bellingham. The robbers escaped.

On February 20, 1939 the last interurban street car run between Seattle and Everett occurred, and on February 20, 1957 the Board of Directors of the Washington Public Power Supply System held its first meeting.

MESSAGE FROM THE GOVERNOR

February 17, 1989

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

I have the honor to advise you that on February 17, 1989, Governor Gardner approved the following House Bill entitled:

SUBSTITUTE HOUSE BILL NO. 1599: Relating to programs for persons suffering from alcoholism or drug addiction.

Sincerely,
Terry Sebring, Counsel.

MESSAGES FROM THE SENATE

February 17, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5009,
 SUBSTITUTE SENATE BILL NO. 5179,
 SENATE BILL NO. 5356,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.
 February 17, 1989

Mr. Speaker:

The Senate concurred in the House amendments to SENATE CONCURRENT RESOLUTION NO. 8405 and adopted the resolution as amended by the House.

Gordon A. Golob, Secretary.
 February 20, 1989

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8405,

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 2086 by Representatives R. Fisher and Anderson

AN ACT Relating to voter registration transfers; and amending RCW 29.10.040.

Referred to Committee on State Government.

HB 2087 by Representatives Bristow, Rayburn, Baugher, Basich, Leonard, Fraser and Rasmussen

AN ACT Relating to programs for persons suffering from alcoholism or drug addiction; amending RCW 74.50.010, 74.50.020, 74.50.040, 74.50.050, 74.50.060, and 74.09.035; adding a new section to chapter 74.08 RCW; adding new sections to chapter 74.50 RCW; adding a new section to chapter 74.98 RCW; adding new sections to chapter 289, Laws of 1988 (uncodified); repealing RCW 74.50.030; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services.

HB 2088 by Representatives Zellinsky, Winsley and Dellwo

AN ACT Relating to acceptance of fees by persons in a domestic insurer's holding company system; and amending RCW 48.07.130.

Referred to Committee on Financial Institutions & Insurance.

HB 2089 by Representatives Hine, G. Fisher, Patrick, Prentice, Holland, Todd, Leonard, Crane, Winsley and Baugher

AN ACT Relating to the definition of "service" under the public employees' retirement system for members employed by school districts; and amending RCW 41.40.010.

Referred to Committee on Appropriations.

HB 2090 by Representatives Wang, Locke, Appelwick, Walker, Ebersole, Betrozoff, Holland, Jacobsen, Miller, May, Pruitt, Winsley, Valle, Phillips, Nelson and Horn

AN ACT Relating to the voluntary elimination, reduction, or prevention of minority group isolation in public elementary and secondary schools; amending RCW 84.52.0531; adding new sections to chapter 28A.58 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

HB 2091 by Representatives Jacobsen, H. Sommers, Wineberry, Anderson, Cole, Valle, Appelwick, Heavey, Locke and Nelson

AN ACT Relating to contracts for school employees; amending RCW 28A.67.073 and 28A.58.137; reenacting and amending RCW 28A.67.070; and adding a new section to chapter 28A.67 RCW.

Referred to Committee on Education.

HB 2092 by Representatives Silver, Holland, Fuhrman and D. Sommers

AN ACT Relating to the state salary and fringe benefits surveys; and amending RCW 28B.16.110, 28B.16.112, 28B.16.113, 41.06.160, 41.06.163, 41.06.165, and 41.06.167.

Referred to Committee on State Government.

HB 2093 by Representatives Haugen and Nelson

AN ACT Relating to city or town water utility rate differentials; and reenacting and amending RCW 35.92.010.

Referred to Committee on Local Government.

HB 2094 by Representatives Cooper, Hankins, R. Meyers, Zellinsky, H. Myers, Gallagher, S. Wilson, Miller, Heavey, May, Brooks, Jesernig and Winsley

AN ACT Relating to energy efficient construction and affordable housing; amending RCW 19.27A.020, 80.28.025, and 82.16.055; adding new sections to chapter 19.27A RCW; adding a new section to chapter 4.24 RCW; creating a new section; repealing RCW 19.27A.010, 19.27A.030, and 19.27A.040; providing an effective date; and declaring an emergency.

Referred to Committee on Energy & Utilities.

HB 2095 by Representatives Sayan, Baugher, S. Wilson, Gallagher, Smith, Crane and Patrick

AN ACT Relating to motor freight carriers handling goods in interstate commerce; and adding a new section to chapter 81.80 RCW.

Referred to Committee on Transportation.

HB 2096 by Representatives Rector, Ballard, Day, Padden, Appelwick, Fuhrman, R. Fisher, Moyer, Youngsman, Dellwo, McLean, Sayan, Anderson, Rayburn, Hankins, Silver, O'Brien, Wolfe, Fraser, H. Myers, Morris, R. King, Wineberry, Ebersole, Hine, Wood, Miller, Jacobsen, Heavey, Bristow, Jesernig, Betrozoff, Horn, Gallagher, Prince, Kremen, Cantwell, Nealey, Grant, May, Walker, Inslee, G. Fisher, Rasmussen, Haugen, D. Sommers, Brough, Crane, Tate, Dorn, Walk, Raiter, Brumsickle, R. Meyers, Bowman, Smith, Baugher, Basich, Ferguson and Spanel

AN ACT Relating to state-wide video communications; amending RCW 43.105.005 and 43.105.017; adding new sections to chapter 43.105 RCW; making appropriations; and declaring an emergency.

Referred to Committee on State Government.

HJM 4015 by Representatives Prince, Jacobsen, Miller, Basich, Wood, Van Luven, Doty and Baugher

Regarding student loans.

Referred to Committee on Higher Education.

HJM 4016 by Representatives Wang, Holland, H. Sommers, Silver, Grant, Rust, May, Spanel, Anderson and Winsley

Petitioning Congress to enact legislation authorizing the collection of sales tax from out-of-state direct marketers.

Referred to Committee on Revenue.

HCR 4407 by Representatives Nelson, Nutley, Walk, R. Fisher, H. Sommers, Rust, Valle, Hankins, McLean, Schoon, Winsley, Ferguson, Haugen and D. Sommers

Creating a joint select committee on seismic events.

Referred to Committee on State Government.

SSB 5009 by Committee on Transportation (originally sponsored by Senator Anderson)

Amending the list of vessels not required to be registered under chapter 88.02 RCW.

Referred to Committee on Transportation.

SSB 5179 by Committee on Health Care & Corrections (originally sponsored by Senators Barr, Patterson, Conner, Metcalf, Sellar, Benitz, Anderson, West and Kreidler)

Providing for a rural health facility licensure model.

Referred to Committee on Health Care.

SB 5356 by Senators Smitherman and von Reichbauer

Promoting repair of waterfront sewer systems.

Referred to Committee on Environmental Affairs.

MOTION

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

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4406.

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

REPORTS OF STANDING COMMITTEES

February 16, 1989

HB 1028 Prime Sponsor, Representative R. King: Changing requirements for fishing licenses. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Haugen, Smith and Spanel.

Absent: Representative Vekich.

Passed to Committee on Rules for second reading.

February 16, 1989

HB 1112 Prime Sponsor, Representative Spanel: Establishing a state writing project to train educators. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Insee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Absent: Representatives Jesernig and H. Myers.

Referred to Committee on Appropriations.

February 15, 1989

HB 1160 Prime Sponsor, Representative Leonard: Dealing with community-based family support centers. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Anderson, Leonard, Raiter and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Tate, Assistant Ranking Republican Member; Hargrove and Padden.

Absent: Representative Brekke.

Referred to Committee on Appropriations.

February 15, 1989

HB 1183 Prime Sponsor, Representative Kremen: Requiring that certain information be provided to adopting parents. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Hargrove, Leonard, Padden, Raiter and Winsley.

Absent: Representative Brekke.

Passed to Committee on Rules for second reading.

February 15, 1989

HB 1209 Prime Sponsor, Representative S. Wilson: Authorizing counties to zone subtidal lands. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Phillips, Raiter, Rayburn, Wolfe, Wood and Zellinsky.

Voting nay: Representative Nelson.

Absent: Representatives Nutley and Todd.

Passed to Committee on Rules for second reading.

February 16, 1989

HB 1334 Prime Sponsor, Representative Rasmussen: Encouraging senior citizens to volunteer as teacher's aides. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 9, after "six-plus-sixty" strike "aid" and insert "volunteer"

On page 1, line 10, after "volunteer" strike "as teachers' aides" on line 11

On page 1, line 14, after "volunteer" strike "aid"

On page 1, beginning on line 25, strike "aide" and insert "volunteer"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Valle, Walker and K. Wilson.

Absent: Representatives Dorn, Fuhrman, Horn, Jones, P. King, Schoon and Walker.

Passed to Committee on Rules for second reading.

February 14, 1989

HB 1339 Prime Sponsor, Representative Wolfe: Modifying county government. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Passed to Committee on Rules for second reading.

February 16, 1989

HB 1379 Prime Sponsor, Representative H. Sommers: Authorizing adjustment of bid prices. Reported by Committee on Capital Facilities & Financing

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

Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Betrozoff, Bowman, Braddock, Bristow, Fraser, Jacobsen, Peery, Wang and Winsley.

Absent: Representative Beck.

Passed to Committee on Rules for second reading.

February 16, 1989

HB 1386 Prime Sponsor, Representative Phillips: Amending the requirement for creating small works roster. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representative Raiter.

Passed to Committee on Rules for second reading.

February 16, 1989

HB 1444 Prime Sponsor, Representative Peery: Revising programs for students at risk. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betrozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, P. King, Phillips, Rasmussen, Rayburn, Valle, Walker and K. Wilson.

Absent: Representative Schoon.

Referred to Committee on Appropriations.

February 16, 1989

HB 1536 Prime Sponsor, Representative Winsley: Providing for current-use valuation for low-income housing and mobile home parks. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Baillard, Inslee, Rector and Todd.

Absent: Representative Padden.

Referred to Committee on Revenue.

February 15, 1989

HB 1583 Prime Sponsor, Representative Bristow: Dealing with child care facilities. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Anderson, Leonard, Raiter and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Tate, Assistant Ranking Republican Member; Hargrove and Padden.

Absent: Representative Brekke.

Referred to Committee on Appropriations.

February 16, 1989

HB 1681 Prime Sponsor, Representative Peery: Revising provisions for the salary allocation schedule. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betrozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Valle, Walker and K. Wilson.

Absent: Representative Schoon.

Referred to Committee on Appropriations.

February 17, 1989

HB 1729 Prime Sponsor, Representative Dellwo: Cleaning up provisions of Title 30 RCW. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Crane, Dorn, Inslee, Nutley, Schmidt, K. Wilson and Winsley.

Absent: Representatives Beck, Day and P. King.

Passed to Committee on Rules for second reading.

February 17, 1989

HB 1730 Prime Sponsor, Representative Dellwo: Regulating financial institutions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Dorn, Inslee, Nutley, Schmidt, K. Wilson and Winsley.

Absent: Representatives Beck, Day and P. King.

Passed to Committee on Rules for second reading.

February 16, 1989

HB 1738 Prime Sponsor, Representative Peery: Providing local education enhancement program funds. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Valle, Walker and K. Wilson.

Absent: Representatives Fuhrman, P. King and Schoon.

Referred to Committee on Appropriations.

February 16, 1989

HB 1739 Prime Sponsor, Representative Peery: Revising provisions for annual basic education allocation of funds. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Valle, Walker and K. Wilson.

Absent: Representative Schoon.

Referred to Committee on Appropriations.

February 16, 1989

HB 1740 Prime Sponsor, Representative Betzoff: Changing requirements of student motivation, retention, and retrieval programs. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Valle, Walker and K. Wilson.

Absent: Representatives Dorn, Fuhrman, Horn, Jones, P. King and Schoon.

Referred to Committee on Appropriations.

February 16, 1989

HB 1741 Prime Sponsor, Representative Betzoff: Revising the eleventh grade assessment. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Valle and Walker.

MINORITY recommendation: Do not pass. Signed by Representative K. Wilson.

Absent: Representative Schoon.

Referred to Committee on Appropriations.

February 16, 1989

HB 1742 Prime Sponsor, Representative G. Fisher: Providing for annual leave for employees of educational service districts. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 14, strike "prescribes. The" and insert "prescribes: PROVIDED, That the"

On page 1, line 18, strike "fiscal" and insert "school"

On page 2, line 3, strike "section" and insert "proviso"

On page 2, line 4, strike "section" and insert "proviso"

On page 2, line 12, strike "section" and insert "proviso"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Valle, Walker and K. Wilson.

Absent: Representatives Fuhrman, P. King and Schoon.

Referred to Committee on Appropriations.

February 16, 1989

HB 1743 Prime Sponsor, Representative G. Fisher: Modifying administration of the substance abuse program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Valle, Walker and K. Wilson.

Absent: Representatives Dorn, Fuhrman, Horn, Jones, P. King and Schoon.

Referred to Committee on Appropriations.

February 16, 1989

HB 1744 Prime Sponsor, Representative Peery: Establishing a technology in education program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Valle and Walker.

MINORITY recommendation: Do not pass. Signed by Representative K. Wilson.

Absent: Representative Schoon.

Referred to Committee on Appropriations.

February 17, 1989

HB 1792 Prime Sponsor, Representative Todd: Regulating telemarketing and telephone solicitation. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Gallagher, Jacobsen, Jesernig, Miller and S. Wilson.

Absent: Representatives May, R. Meyers and H. Myers.

Passed to Committee on Rules for second reading.

February 17, 1989

HB 1949 Prime Sponsor, Representative Rayburn: Providing for an enhanced program of counseling and instruction regarding agricultural operations. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Chandler, Doty, Grant, Jesernig, McLean, H. Myers, Rasmussen and Youngsman.

Absent: Representative Baugher.

Referred to Committee on Appropriations.

February 17, 1989

HB 2001 Prime Sponsor, Representative Rayburn: Revising provisions regarding livestock. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendments:

On page 6, line 14 after "his" strike "1988" and insert "1989"

On page 6, line 18 after "this" strike "1988" and insert "1989"

On page 10, line 32 after "chapter" strike "34.04" and insert "~~((34.04))~~34.05"

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Chandler, Doty, Grant, Jesernig, McLean, H. Myers, Rasmussen and Youngsman.

Absent: Representative Baugher.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Ebersole, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4620, by Representatives Walker, Cole, Jones, Horn, K. Wilson, Doty, Betzozoff, Brumsickle, Rasmussen, Phillips, Dorn, Pruitt, Tate, Nealey and Winsley

WHEREAS, It is the public policy of this state to encourage and afford every reasonable opportunity to the visually handicapped, hearing impaired and otherwise physically disabled to participate fully in every aspect of the social and economic life of the state; and

WHEREAS, The blind, hearing impaired and otherwise physically disabled citizens of this state share equally in the same rights and privileges as the nondisabled; and

WHEREAS, These rights and privileges extend, but are not limited to, access and use of common carriers, motor vehicles, public transportation, lodging, housing, stores and all other places to which the general public is invited; and

WHEREAS, For many of the state's persons with disabilities, the use of guide and service dogs is the only means by which they are able to enjoy these rights and privileges in a safe and convenient manner; and

WHEREAS, The public's accommodation of these invaluable dogs in buses, shops, restaurants, on sidewalks, and in other places serves a useful purpose and is required by law;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives commend those who freely welcome our fellow citizens who are physically disabled and their faithful guide and service dogs and encourages all members of the public to follow their outstanding civic-minded example; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Department of Labor and Industries, the Division of Vocational Rehabilitation within the Department of Social and Health Services, and to the Department of Services for the Blind.

Ms. Walker moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4620 was adopted.

SPEAKER'S PRIVILEGE

The Speaker introduced Ms. Victoria Doro Shenko and her well-trained and well-mannered service dog.

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

SECOND READING

HOUSE BILL NO. 1042, by Representatives G. Fisher, Baugher, Schmidt, R. Meyers, Hankins, Winsley and Gallagher; by request of Washington State Patrol

Revising braking equipment requirements for trucks.

The bill was read the second time.

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

Representatives Baugher and G. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1042, and the bill passed the House by the following vote: Yeas, 85; nays, 6; absent, 3; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Mary, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 85.

Voting nay: Representatives Bowman, Brumsickle, Fuhrman, Padden, Prince, Wolfe - 6.

Absent: Representatives Basich, Hargrove, Schmidt - 3.

Excused: Representatives Doty, King P, Locke, Schoon - 4.

House Bill No. 1042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINTS OF PERSONAL PRIVILEGE

Mr. Ballard: Thank you, Mr. Speaker. On this Presidents' Day America honors two of our greatest leaders, George Washington and Abraham Lincoln. This holiday also recognizes contributions to our nation by each of our Presidents. It should be noted that Presidents influence the country and its citizens in many ways, not simply through their policies or the quality of their leadership. Presidents have established traditions of protocol, manners, speech, dress and action. Presidents have even been known to start trends in American eating habits. While historians may not know what was George Washington's favorite candy, we do know that jelly beans were a White House staple during the Reagan years and their popularity throughout the populous was restored. While we may not have any evidence about what Abraham Lincoln preferred to eat when he came across a vending machine, we do know that George Bush considers pork rinds to be a gourmet treat among snack foods. Therefore, to commemorate the first Presidents' Day of the Bush Administration, you will find at your desks a package of pork rinds to sample. Representative Brooks was a little excited about this; to make him happy you will notice a copy of his favorite low-fat, low-cholesterol diet just to offset any effects of consuming pork rinds in any substantial quantity. Please enjoy the pork rinds. Thank you.

Mr. Sprengle: Thank you, Mr. Speaker. As a physician and a Democrat, I have trouble accepting pork rinds both for the pork and the implication it plays for legislative policy and for the cholesterol of fat-frying and using this food. It will not be offset by the apple. Eat the apple; don't eat the pork rinds. Accept them as a gesture and be concerned that this may have more profound implications for the Bush Administration as well as affect our health.

Representatives P. King and Locke appeared at the bar of the House.

The Speaker declared the House to be at ease until 11:30 a.m.

The Speaker called the House to order at 11:30 a.m.

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

THIRD READING

INITIATIVE NO. 102, by request of the Citizens of Washington State
Children's Initiative Act.

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

Representatives Leonard, Ebersole, Wineberry, K. Wilson, Peery, Sayan, Bristow, Brække, Braddock and Hine spoke in favor of passage of the initiative, and Representatives Moyer, Fuhrman, Brough, Padden, Ballard and Silver opposed it.

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

ROLL CALL

The Clerk called the roll on the final passage of House Initiative No. 102, and the initiative passed the House by the following vote: Yeas, 56; nays, 40; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Braddock, Brække, Bristow, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Haugen, Heavey, Hine, Inslée, Jacobsen, Jones, King P, King R, Leonard, Locke, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Van Luven, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Wood, and Mr. Speaker - 56.

Voting nay: Representatives Ballard, Baugher, Beck, Belcher, Betzoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Day, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Holland, Horn, Jesernig, Kremen, May, McLean, Meyers R, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Schmidt, Silver, Smith, Sommers D, Tate, Walker, Wilson S, Wolfe, Youngsman, Zellinsky - 40.

Excused: Representatives Doty, Schoon - 2.

House Initiative No. 102, having received the constitutional majority, was declared passed.

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

MOTIONS

On motion of Mr. Ebersole, House Bill No. 1393 was referred from Committee on Judiciary to Committee on Rules.

On motion of Mr. Ebersole, House Bill No. 1450 was referred from Committee on Appropriations to Committee on Rules.

On motion of Mr. Ebersole, House Bill No. 1735 was referred from Committee on Judiciary to Committee on Appropriations.

On motion of Mr. Ebersole, House Bill No. 1949 was referred from Committee on Appropriations to Committee on Higher Education.

On motion of Mr. Ebersole, House Bill No. 2031 was referred from Committee on Fisheries & Wildlife to Committee on Commerce & Labor.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE INITIATIVE NO. 102,
SENATE CONCURRENT RESOLUTION NO. 8405.

STANDING COMMITTEE APPOINTMENT

The Speaker announced that Representative D. Sommers would replace Representative Van Luven on Committee on Judiciary effective immediately.

MESSAGE FROM THE SENATE

February 20, 1989

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4406,
and the same is herewith transmitted.

Gordon A. Golob, Secretary.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 1:30 p.m., Wednesday, February 22, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FORTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, February 22, 1989

The House was called to order at 1:30 p.m. by the Speaker.

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

MESSAGE FROM THE SENATE

February 20, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5001,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5014,
SUBSTITUTE SENATE BILL NO. 5099,
SUBSTITUTE SENATE BILL NO. 5168,
SUBSTITUTE SENATE BILL NO. 5252,
ENGROSSED SENATE BILL NO. 5284,
SENATE BILL NO. 5456,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 2097 by Representatives Wineberry and P. King

AN ACT Relating to economic diversification; amending RCW 43.63A.078, 43.168.010, 43.168.020, and 43.168.130; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Trade & Economic Development.

HB 2098 by Representatives Walk and Patrick

AN ACT Relating to county road costs; and reenacting and amending RCW 46.68.124.

Referred to Committee on Transportation.

HB 2099 by Representatives Fuhrman, D. Sommers, Padden, Chandler and Wolfe

AN ACT Relating to directed donations of blood, semen, and body organs; adding new sections to chapter 70.54 RCW; and declaring an emergency.

Referred to Committee on Health Care.

HB 2100 by Representative Hargrove

AN ACT Relating to revenue and taxation; adding a new chapter to Title 84 RCW; and declaring an emergency.

Referred to Committees on Natural Resources & Parks/Revenue.

HB 2101 by Representatives Dellwo, Silver and Nutley

AN ACT Relating to the corporate powers of banks; and amending RCW 30.08.140.

Referred to Committee on Financial Institutions & Insurance.

HB 2102 by Representatives Fraser, Belcher, Brough, Anderson, P. King and Winsley

AN ACT Relating to limitation of actions; and amending RCW 9A.04.080.

Referred to Committee on Judiciary.

HB 2103 by Representatives Fraser, Belcher, R. Fisher, Ballard, McLean, Rasmussen, Dorn, Haugen and Winsley

AN ACT Relating to fire fighters; and amending RCW 41.24.010, 41.24.020, 41.24.030, 41.24.031, 41.24.040, 41.24.050, 41.24.080, 41.24.110, 41.24.140, 41.24.150, 41.24.160, 41.24.170, 41.24.175, 41.24.180, 41.24.190, 41.24.200, 41.24.210, 41.24.220, 41.24.230, 41.24.240, 41.24.250, 41.24.290, and 41.24.310.

Referred to Committee on State Government.

HB 2104 by Representatives Fraser, Bowman, Belcher, Jacobsen, Brumsickle, Anderson, P. King and Winsley

AN ACT Relating to waiver of tuition and fees for full-time employees of state institutions of higher education; and amending RCW 28B.15.535.

Referred to Committee on Higher Education.

HB 2105 by Representatives Fraser, Belcher and Haugen

AN ACT Relating to improving county systems for document maintenance; and adding new sections to chapter 36.18 RCW.

Referred to Committee on Local Government.

HB 2106 by Representatives Nelson, Hankins, Jesernig, S. Wilson and R. Meyers

AN ACT Relating to overhead electric lines; amending RCW 19.122.010, 19.122.020, and 19.122.070; adding a new section to chapter 19.122 RCW; and prescribing penalties.

Referred to Committee on Energy & Utilities.

HB 2107 by Representatives Appelwick and P. King

AN ACT Relating to the Uniform Commercial Code—Bulk Sales; adding a new chapter to Title 62A RCW; and repealing RCW 62A.6-101, 62A.6-102, 62A.6-103, 62A.6-104, 62A.6-105, 62A.6-106, 62A.6-107, 62A.6-108, 62A.6-109, 62A.6-110, and 62A.6-111.

Referred to Committee on Judiciary.

HB 2108 by Representatives Appelwick and P. King

AN ACT Relating to custodial interference; amending RCW 9A.40.070 and 9A.40.080; creating new sections; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2109 by Representative Appelwick

AN ACT Relating to commissioners for the promotion of uniformity of legislation; and amending RCW 43.56.010.

Referred to Committee on State Government.

HB 2110 by Representative Appelwick

AN ACT Relating to reducing elected officials' contributions to the teachers' retirement system to six percent; and amending RCW 41.32.260.

Referred to Committee on Appropriations.

HB 2111 by Representatives Anderson, Schoon, Nutley, Wineberry and Todd

AN ACT Relating to a county tax for housing assistance for alcoholics; amending RCW 66.08.120 and 82.02.020; adding a new section to chapter 70.96 RCW; and adding a new chapter to Title 82 RCW.

Referred to Committees on Housing/Revenue.

HB 2112 by Representative Heavey

AN ACT Relating to commercial jig line fishing; and amending RCW 75.28.323.

Referred to Committee on Fisheries & Wildlife.

HB 2113 by Representatives Sprengle and Rust

AN ACT Relating to changing authority over solid waste collection from state government to local government; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Environmental Affairs.

HB 2114 by Representatives Sprenkle, Rust, P. King and Nelson

AN ACT Relating to waste reduction and recycling; and amending RCW 43.21A.520, 70.95C.030, and 70.95C.040.

Referred to Committee on Environmental Affairs.

HB 2115 by Representatives Sprenkle, Holland, Rust, Valle, Pruitt, Todd and Nelson

AN ACT Relating to solid waste incineration; amending RCW 70.94.431; adding a new section to chapter 70.94 RCW; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 2116 by Representative Hargrove

AN ACT Relating to notice of reductions in business operations; adding a new chapter to Title 49 RCW; adding a new section to chapter 82.04 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2117 by Representatives Walk, Patrick, S. Wilson, Zellinsky, Gallagher, Heavey, Smith, Prince, R. Fisher, Cooper, G. Fisher, Todd, Nelson, Schmidt, Day, Baugher, Betrozoff and Winsley

AN ACT Relating to household goods mover advertisements; adding new sections to chapter 81.80 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 2118 by Representatives Dorn, Brumsickle, G. Fisher and K. Wilson

AN ACT Relating to the expansion of coverage from grade six to grade eight of certification for candidates for grades preschool through grade six certificates; amending RCW 28A.70.040; and creating a new section.

Referred to Committee on Education.

HB 2119 by Representatives Dorn, Brumsickle, G. Fisher, K. Wilson and P. King

AN ACT Relating to a study by the state board of education regarding the elimination of the undergraduate degree in education; and creating a new section.

Referred to Committee on Education.

HB 2120 by Representatives Holland and Locke

AN ACT Relating to the Washington state arts commission; amending RCW 28A.58-.055, 28B.10.027, 43.17.200, and 43.46.055; adding a new section to chapter 43.46 RCW; adding new sections to chapter 43.131 RCW; and repealing RCW 43.46.005, 43.46.015, 43.46.030, 43.46.040, 43.46.045, 43.46.050, 43.46.055, 43.46.060, 43.46.070, 43.46.090, 43.46.095, and 43.46.900.

Referred to Committee on Appropriations.

HB 2121 by Representatives Jacobsen, R. King, Miller, Nelson, Jesernig, H. Sommers, P. King, Crane and Todd

AN ACT Relating to cellular radio telephones; and adding a new chapter to Title 80 RCW.

Referred to Committee on Energy & Utilities.

HB 2122 by Representative Hargrove

AN ACT Relating to dependency proceedings and termination of parental rights; amending RCW 13.34.060, 13.34.070, 13.34.080, 13.34.090, 13.34.150, 13.34.165, 13.34.180, 13.50.010, 13.50.100, 26.44.105, and 26.44.115; reenacting and amending RCW 13.34.130; creating a new section; and making appropriations.

Referred to Committee on Human Services.

HB 2123 by Representatives R. Meyers, P. King and Crane

AN ACT Relating to minor or first offenders; and amending RCW 13.40.020.

Referred to Committee on Judiciary.

HB 2124 by Representatives Haugen, Horn, Appelwick, Wood, Cooper, Ferguson, Holland, Morris, Winsley, Wang, May, Fraser, Brumsickle, Basich, Van Luven, Nutley and Spanel

AN ACT Relating to local government; amending RCW 84.52.043, 27.12.390, 52.04.081, 84.52.010, 70.05.010, 70.05.130, 70.05.150, 70.08.010, 70.08.030, 70.08.040, 70.08.050, 70.08.070, 70.46.020, 70.46.030, 70.46.050, 70.46.060, 70.46.080, 70.46.085, 70.46.090, 70.46.120, 41.16.060, 41.16.050, 36.29.020, 84.56.230, 70.44.060, 70.44.110, 39.36.020, 84.52.054, 17.28.100, 17.28.252, 35.58.090, 35.58.116, 35.61.210, 36.58.150, 36.60.040, 36.68.480, 36.69.140, 36.83.030, 56.04.050, 57.04.050, 67.38.130, 70.94.091, 84.52.052, 84.52.053, 84.52.056, and 84.69.020; reenacting and amending RCW 36.68.520; adding a new section to chapter 84.55 RCW; adding a new section to chapter 29.07 RCW; adding a new section to chapter 41.16 RCW; adding a new section to chapter 41.18 RCW; adding a new section to chapter 44.44 RCW; adding a new section to chapter 66.08 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 68.52 RCW; adding a new section to chapter 52.30 RCW; adding a new section to chapter 84.52 RCW; creating a new section; repealing RCW 29.07.030, 29.30.111, 36.68.525, 36.69.145, 68.52.290, 68.52.310, 70.05.132, 70.05.145, 70.08.080, 70.08.090, 70.08.100, 70.08.110, 70.44.130, 70.46.040, 84.52.0501, 84.52.0502, 84.52.069, and 84.52.100; and providing a contingent effective date.

Referred to Committee on Revenue.

HB 2125 by Representatives Walk, Hankins and P. King

AN ACT Relating to disclosure of motor vehicle records; and amending RCW 46.12.370.

Referred to Committee on Transportation.

HB 2126 by Representatives Braddock, Sprengle and Brooks

AN ACT Relating to rule adoption by the medical examining board; and adding a new section to chapter 18.71 RCW.

Referred to Committee on Health Care.

HB 2127 by Representatives Fuhrman, Hargrove, Chandler, Patrick, D. Sommers, Tate, Ferguson and Wolfe

AN ACT Relating to parents' rights in education; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

HB 2128 by Representatives Sayan, Peery, Silver, Holland, Grant, Walker, Betzoff and P. King

AN ACT Relating to school buildings; amending RCW 28A.48.010; adding a new chapter to Title 28A RCW; and making an appropriation.

Referred to Committee on Education.

HB 2129 by Representatives Locke, R. Fisher, Brough, Prince, Cantwell, Ebersole, Belcher, Wang, Prentice, Leonard, Wineberry, Vekich and Anderson

AN ACT Relating to diverse cultures and languages; and creating new sections.

Referred to Committee on Trade & Economic Development.

HB 2130 by Representatives Phillips, Patrick and Locke

AN ACT Relating to transfer of port district police officers into the Washington law enforcement officers' and fire fighters' retirement system; amending RCW 41.26.030; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Appropriations.

HB 2131 by Representatives Nutley and Winsley

AN ACT Relating to mobile home electrical inspections; and amending RCW 19.28.210.

Referred to Committee on Housing.

HB 2132 by Representatives Ferguson, Prentice, Patrick, Walker, Leonard, Scott, Winsley, Cole, Vekich and Baugher

AN ACT Relating to industrial insurance coverage and unemployment compensation of nurses practicing their profession as independent contractors; amending RCW 51.08.180 and 51.12.020; adding a new section to chapter 50.04 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2133 by Representative Wang

AN ACT Relating to the calculation and distribution of liquor revenues; amending RCW 15.88.010, 28B.30.068, 35A.66.020, 66.08.026, 66.08.190, 66.08.200, 66.08.210, 66.24.210, 66.24.290, 68.50.107, and 70.94.390; reenacting and amending RCW 82.02.030; adding a new section to chapter 66.24 RCW; creating a new section; repealing RCW 66.08.180, 66.08.195, 66.08.220, 66.08.230, 82.08.150, 82.08.160, 82.08.170, and 82.08.171; and providing an effective date.

Referred to Committee on Revenue.

HB 2134 by Representatives Sayan, R. King, Peery, Ferguson and Bristow

AN ACT Relating to an appropriation for fish incubators; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2135 by Representatives Vekich, Cole and Prentice

AN ACT Relating to farm labor liens; amending RCW 60.11.040; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2136 by Representatives Cole, Rust, Beck, Nutley, Patrick, Todd, Wood, Crane, Walk, G. Fisher, Nelson, Cantwell, Brekke, Sprengle, Anderson, Holland, Leonard and Winsley

AN ACT Relating to mobile home relocation assistance; adding a new chapter to Title 59 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Housing.

HB 2137 by Representatives Cantwell, Moyer, Rasmussen and Walk

AN ACT Relating to targeted sector programs for economic development; adding new sections to chapter 43.31 RCW; and making an appropriation.

Referred to Committees on Trade & Economic Development/ Appropriations.

HB 2138 by Representatives Wineberry, Locke, Leonard, Wang, Jacobsen and P. King

AN ACT Relating to local development; amending RCW 43.63A.078; creating a new section; and making an appropriation.

Referred to Committee on Trade & Economic Development.

HB 2139 by Representatives Wineberry, Cantwell, Moyer, P. King, Jesernig, Rasmussen and Walk

AN ACT Relating to local development; adding a new section to chapter 42.17 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.170 RCW; and making an appropriation.

Referred to Committee on Trade & Economic Development.

HB 2140 by Representatives Cantwell, Hargrove, Moyer, R. Fisher, Phillips, Walk, Haugen, Prince, Wineberry, Hine, Nelson, Miller and P. King

AN ACT Relating to growth planning and coordination; adding a new section to chapter 47.26 RCW; adding a new chapter to Title 43 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HJM 4017 by Representative R. King

Asking Congress to direct the army corps of engineers to construct fish bypass facilities on the Columbia River.

Referred to Committee on Fisheries & Wildlife.

HJM 4018 by Representatives Todd and Nelson

Petitioning the federal department of energy to adopt revised energy standards for appliances which conform to the national appliance energy conservation act.

Referred to Committee on Energy & Utilities.

HJR 4222 by Representative Appelwick

Imposing restrictions on tax modifications.

Referred to Committee on Revenue.

HCR 4408 by Representatives Cantwell, Moyer, Wineberry, P. King, Nelson, Rasmussen and Walk

Recommending adoption of the Washington State Economic Development Board reports by the legislature.

Referred to Committee on Trade & Economic Development.

SSB 5001 by Committee on Economic Development & Labor (originally sponsored by Senators Conner and Lee)

Making changes relating to the Washington ambassador program.

Referred to Committee on Trade & Economic Development.

ESSB 5014 by Committee on Law & Justice (originally sponsored by Senators Pullen, Madsen, Hayner and Rasmussen)

Amending provisions regarding police dogs.

Referred to Committee on Judiciary.

SSB 5099 by Committee on Governmental Operations (originally sponsored by Senators McCaslin, DeJarnatt and von Reichbauer; by request of Washington State Patrol)

Revising provisions for suspension without pay of a state patrol officer.

Referred to Committee on State Government.

SSB 5168 by Committee on Governmental Operations (originally sponsored by Senators Bluechel, DeJarnatt, Sellar, Vognild, Cantu, Kreidler, Sutherland, Thorsness, Smitherman and Lee; by request of Washington State Library)

Authorizing the state library commission to move the western library network to private nonprofit status.

Referred to Committee on State Government.

SSB 5252 by Committee on Governmental Operations (originally sponsored by Senators McCaslin and DeJarnatt)

Changing provisions relating to expenditures of public money for unfit buildings, dwellings, structures, and premises.

Referred to Committee on Housing.

ESB 5284 by Senators Owen, Bender, Conner, Saling and Rasmussen

Authorizing issuance of special license plates to the surviving spouse of a Pearl Harbor survivor.

Referred to Committee on Transportation.

SB 5456 by Senators von Reichbauer, Moore and Johnson; by request of State Investment Board

Exempting certain financial and commercial information from public disclosure.

Referred to Committee on State Government.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

February 17, 1989

HB 1007 Prime Sponsor, Representative Ballard: Promoting safety in water skiing. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Fuhrman, Raiter and Sayan.

Absent; Representative Hargrove.

Passed to Committee on Rules for second reading.

February 20, 1989

HB 1107 Prime Sponsor, Representative Pruitt: Concerning citizenship education. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 17 after "Sec. 2." strike all material through "following:" on line 24, and insert "Every school district board of directors shall consider, by placing an action item on the agenda of a regularly scheduled board meeting, the adoption of a written policy on citizenship education. Such proposed policy shall address the extent to which the curriculum and activities of the district enable students to possess and apply the knowledge, understanding and skills needed for effective participation in a democratic society and in a pluralistic, interdependent world. Such curriculum and activities may include, but are not limited to the following:"

On page 1, line 18 after "directors" strike "shall" and insert "may"

On page 1, line 25 strike "(a)" and insert "(1)"

On page 1, line 27 after "holidays;" insert "geography,"

On page 2, line 3 strike "(b)" and insert "(2)"

On page 2, line 9 strike "(c)" and insert "(3)"

On page 2, line 13 strike "(d)" and insert "(4)"

On page 2, line 19 after "section" strike "2(1)" and insert "2" On page 3, line 3 strike "1990" and insert "1991"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Cole, Dorn, P. King, Phillips, Pruitt, Rasmussen, Valle, Walker and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Brumsickle, Fuhrman, Holland, Horn, Jones and Rayburn.

Voting nay: Representatives Betrozoff, Ranking Republican Member; Brumsickle, Fuhrman, Holland, Horn and Jones.

Absent: Representatives Rayburn and Schoon.

Passed to Committee on Rules for second reading.

February 20, 1989

HB 1120 Prime Sponsor, Representative Anderson: Establishing the early childhood telecommunications project. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 18 after "available" insert "by the University of Washington"

On page 1, beginning on line 21 after "Washington," insert "The University shall also prepare and disseminate public service announcements on issues involving children and child development. The University shall contact other states in order to adapt or use their public service announcements on child development, when appropriate."

Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Fraser, Heavey, Inslee, Jesernig, H. Myers, Prince, Rector and Wood.

Absent: Representatives Doty and Miller.

Referred to Committee on Appropriations.

February 17, 1989

HB 1197 Prime Sponsor, Representative Brekke: Regulating the administration of antipsychotic medications. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Belcher, Bowman, Braddock, Brekke, Bristow, Dorn, Ebersole, Hine, Holland, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Appelwick, Braddock, Bristow, Brough, Doty, Peery, Wang and Wineberry.

Passed to Committee on Rules for second reading.

February 17, 1989

HB 1300 Prime Sponsor, Representative Vekich: Repealing worker liability for industrial insurance medical aid fund premiums. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Jones, R. King, Leonard, O'Brien and Prentice.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Ranking Republican Member; Smith, Walker and Wolfe.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 17, 1989

HB 1305 Prime Sponsor, Representative Wang: Modifying taxation of light and power businesses. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Appelwick, Basich, Brumsickle, Fraser, Grant, Haugen, Morris, Phillips, Rust, Silver, H. Sommers and Van Luven.

MINORITY recommendation: Without recommendation. Signed by Representative Fuhrman.

Passed to Committee on Rules for second reading.

February 16, 1989

HB 1324 Prime Sponsor, Representative Brooks: Creating a department of health. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, Sprenkle and Vekich.

Referred to Committees on State Government/Appropriations.

February 16, 1989

HB 1370 Prime Sponsor, Representative Brough: Changing provisions relating to taxing district boundaries. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representatives Raiter and Todd.

Passed to Committee on Rules for second reading.

February 20, 1989

HB 1412 Prime Sponsor, Representative Kremen: Authorizing remembrance tabs for veterans' license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 25, after "veteran's" strike "memorial" and insert "remembrance"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Berozoff, Cantwell, Cooper, G. Fisher, R. Fisher, Gallagher, Hankins, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Voting nay: Representative Haugen.

Absent: Representative Day.

Passed to Committee on Rules for second reading.

February 20, 1989

HB 1417 Prime Sponsor, Representative Heavey: Establishing the educational opportunity grant program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Fraser, Heavey, Inslee, Jesernig, H. Myers, Prince, Rector and Wood.

Absent: Representatives Basich, Doty and Miller.

Referred to Committee on Appropriations.

February 17, 1989

HB 1518 Prime Sponsor, Representative Vekich: Extending industrial insurance coverage. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 9 after "title" strike "in the manner provided by RCW 51.12.110" and insert "~~(in the manner provided by RCW 51.12.110)~~"

On page 1, line 10 after "their" insert "Washington"

On page 1, beginning on line 10 after "furnished" strike "substantially similar"

On page 1, after line 17 insert the following:

"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

On page 1, line 1 of the title after "coverage;" strike the remainder of the title and insert "amending RCW 51.12.095; and declaring an emergency."

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Absent: Representatives Jones, R. King and O'Brien.

Passed to Committee on Rules for second reading.

February 20, 1989

HB 1542 Prime Sponsor, Representative Braddock: Creating a system making offenders accountable for legal financial obligations. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprengle and Wolfe.

Absent: Representative Vekich.

Referred to Committee on Appropriations.

February 16, 1989

HB 1568 Prime Sponsor, Representative Cooper: Revising requirements regarding procurement and solid waste disposal. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprengle, Van Luven and Walker.

Absent: Representative Van Luven.

Passed to Committee on Rules for second reading.

February 17, 1989

HB 1569 Prime Sponsor, Representative Belcher: Modifying the forest fire protection assessments. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Fuhrman, Hargrove, Raiter and Sayan.

Referred to Committee on Appropriations.

February 15, 1989

HB 1581 Prime Sponsor, Representative Wang: Providing for family and medical leave. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substitute therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Jones, R. King, Leonard, O'Brien and Prentice.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Ranking Republican Member; Smith, Walker and Wolfe.

Referred to Committee on Appropriations.

February 20, 1989

HB 1582 Prime Sponsor, Representative Cole: Establishing a before and after school child care pilot program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Jones, P. King, Phillips, Pruitt, Rasmussen, Valle, Walker and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Holland, Horn and Rayburn.

Voting nay: Representatives Fuhrman, Holland and Horn.

Absent: Representatives Rayburn and Schoon.

Referred to Committee on Appropriations.

February 20, 1989

HB 1596 Prime Sponsor, Representative R. Meyers: Funding motorcycle safety education. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 12, after "safety," insert "the safety education officer program."

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betrozoff, Cantwell, Cooper, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, Kremen, R. Meyers, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representatives Day, Nelson and Todd.

Passed to Committee on Rules for second reading.

February 17, 1989

HB 1620 Prime Sponsor, Representative Raiter: Providing for mediation of natural resource disputes. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Fuhrman and Raiter.

Absent: Representatives Hargrove and Sayan.

Referred to Committee on Appropriations.

February 17, 1989

HB 1622 Prime Sponsor, Representative Belcher: Revising laws concerning recreational boating. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Hargrove, Raiter and Sayan.

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

Referred to Committee on Appropriations.

February 17, 1989

HB 1624 Prime Sponsor, Representative Belcher: Regulating the sale of valuable materials from state-owned tidelands and shorelands. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Fuhrman, Raiter and Sayan.

Passed to Committee on Rules for second reading.

February 16, 1989

HB 1639 Prime Sponsor, Representative Dorn: Regulating fire districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representative Raiter.

Passed to Committee on Rules for second reading.

February 20, 1989

HB 1645 Prime Sponsor, Representative Walk: Regulating the relationship between motor vehicle dealers and manufacturers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cantwell, Cooper, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representative Day.

Passed to Committee on Rules for second reading.

February 20, 1989

HB 1650 Prime Sponsor, Representative Basich: Establishing the children-youth coordinating council. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Hargrove, Leonard, Padden, Raiter and Winsley.

Referred to Committee on Appropriations.

February 17, 1989

HB 1654 Prime Sponsor, Representative Valle: Providing funds to purchase the William O. Douglas property at Goose Prairie. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher and Raiter.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman

Absent: Representatives Hargrove and Sayan.

Referred to Committee on Appropriations.

February 17, 1989

HB 1688 Prime Sponsor, Representative K. Wilson: Changing lease and contract requirements for tidelands, shorelands, and beds of navigable waters. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Fuhrman and Raiter.

Absent: Representatives Hargrove and Sayan.

Passed to Committee on Rules for second reading.

February 20, 1989

HB 1689 Prime Sponsor, Representative Kremen: Revising provisions for refund of licensing fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cooper, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker and Zellinsky.

Voting nay: Representative S. Wilson.

Absent: Representatives Day, Haugen and Todd.

Passed to Committee on Rules for second reading.

February 16, 1989

HB 1690 Prime Sponsor, Representative Prince: Changing provisions relating to the motor vehicle fuel tax. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cantwell, Cooper, Day, G. Fisher,

R. Fisher, Gallagher, Hankins, Jones, Kremen, R. Meyers, Patrick, Prentice, Smith, D. Sommers, Walker, S. Wilson and Zellinsky.

Voting nay: Representative Heavey.

Absent: Representatives Haugen, R. Meyers and Todd.

Passed to Committee on Rules for second reading.

February 17, 1989

HB 1712 Prime Sponsor, Representative R. King: Requiring the personnel board to establish a return-to-work policy. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 9, beginning with "The" strike all material through "to" on line 10 and insert "The director shall appoint a state employee vocational rehabilitation coordinator who shall"

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Absent: Representative O'Brien.

Referred to Committee on Appropriations.

February 17, 1989

HB 1764 Prime Sponsor, Representative Cooper: Creating a dedicated fund for manufactured housing inspection fees. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Insee, Padden, Rector and Todd.

Absent: Representative Ballard.

Referred to Committee on Appropriations.

February 20, 1989

HB 1788 Prime Sponsor, Representative Wang: Settling Puyallup tribe of Indians claims. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Brekke, Bristow, Dorn, Ebersole, Ferguson, Hine, May, McLean, Nealey, Padden, Rust, Sayan, Spanel, Sprenkle and Wang.

Absent: Representatives Brough, Doty, Holland and Sprenkle.

Passed to Committee on Rules for second reading.

February 17, 1989

HB 1797 Prime Sponsor, Representative Todd: Applying the mobile home landlord-tenant act to individual lots. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Insee, Padden, Rector and Todd.

Absent: Representative Ballard.

Passed to Committee on Rules for second reading.

February 20, 1989

HB 1832 Prime Sponsor, Representative Peery: Allotting a minimum number of school administrators for small school districts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Brumsickle, Cole, Dorn, Fuhrman, Jones, Phillips, Rasmussen, Rayburn and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Betrozoff, Ranking Republican Member; Horn, P. King, Walker and K. Wilson.

Voting nay: Representatives Betrozoff, Ranking Republican Member; Holland, Horn, P. King, Walker and K. Wilson.

Absent: Representatives Rayburn and Schoon.

Referred to Committee on Appropriations.

February 17, 1989

HB 1854 Prime Sponsor, Representative Jones: Modifying resource damage assessment under the state water pollution control act. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefore and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprenkle, Van Luven and Walker.

Absent: Representative Brekke.

Passed to Committee on Rules for second reading.

February 20, 1989

HB 1956 Prime Sponsor, Representative Winsley: Revising and adding provisions on adoption. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Leonard, Raiter and Winsley.

Absent: Representatives Hargrove and Padden.

Passed to Committee on Rules for second reading.

February 20, 1989

HB 2016 Prime Sponsor, Representative Miller: Requiring a conference on gender equity in athletics. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member, Basich, Fraser, Heavey, Inslee, Jesernig, H. Myers, Prince, Rector and Wood.

Absent: Representatives Basich, Doty and Miller.

Referred to Committee on Appropriations.

February 17, 1989

HB 2023 Prime Sponsor, Representative G. Fisher: Providing for technology development and commercialization. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Raiter, Rector, Schoon, Tate, Walk and Youngsman.

Absent: Representative Schoon.

Referred to Committee on Appropriations.

MOTION

On motion of Mr. Ebersole, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTIONS

On motion of Mr. Ebersole, House Bill No. 1233 was referred from the Suspension Calendar to Committee on Rules.

On motion of Mr. Ebersole, House Bill No. 1324 was referred from Committees on State Government/Appropriations to Committee on Appropriations.

On motion of Mr. Ebersole, House Bill No. 1498 was referred from Committee on Appropriations to Committee on Rules.

On motion of Mr. Ebersole, House Bill No. 1654 was referred from Committee on Appropriations to Committee on Capital Facilities & Financing.

On motion of Mr. Ebersole, House Bill No. 1742 was referred from Committee on Appropriations to Committee on Rules.

On motion of Mr. Ebersole, House Joint Resolution No. 4407 was referred from Committee on State Government to Committee on Energy & Utilities.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

JOINT SESSION

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

The Speaker instructed the Sergeants at Arms of the House and Senate to escort President of the Senate Joel Pritchard, President Pro Tempore of the Senate Alan Bluechel, Vice President Pro Tempore Ellen Craswell, Majority Leader Jeannette Hayner and Democratic Leader Larry Vognild to seats on the rostrum.

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

The Speaker instructed the Sergeants at Arms of the Senate and House to escort the memorialists to seats within the House Chamber.

The Speaker presented the gavel to President Pritchard.

The flag was escorted to the rostrum by the I Corps Command Color Guard.

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

The Clerk of the House called the roll of the House and all members were present.

The President of the Senate presented the gavel to Speaker Pro Tempore O'Brien.

MEMORIAL PROGRAM

Presiding: President of the Senate Joel Pritchard

Chair: Speaker Pro Tempore John L. O'Brien

INVOCATION

by

The Reverend Richard W. Hart, Master Divinity

THE MADRIGAL SINGERS Olympia High School

Karla Timmerman, Director

Ah Lovely Springtime Thomas Morley

If I Can Stop One Heart From Breaking Jean Berger

HARPSICHORD TRIBUTE

by

John P. Sullivan

Auld Lang Syne Traditional

Largo D-Minor John P. Sullivan

MEMORIAL TRIBUTE

by

Speaker Pro Tempore John L. O'Brien
Representative Jean Silver

Speaker O'Brien: We are assembled today to pay tribute to the lives and service of distinguished former members of the Senate and House of Representatives of the State of Washington who have passed from among us. This is the first occasion that we are paying tribute to former officers of the Senate and House of Representatives who rendered such dedicated service during their careers.

On behalf of the people of our state, the Fifty-First Legislative Session of the State of Washington conveys its respect to these deceased legislators who once sat in the hallowed Chambers of the House and Senate, like we are doing today, answered roll calls on sometimes critical and perplexing bills, attended committee meetings, and, above all else, served to the best of their abilities in order to make our state a better and more enjoyable place to live. While they have passed to the great beyond, their achievements, records and valued services have been recorded in the Journals of the Senate and House, and are now and forever more a permanent part of the history of the State of Washington.

We express our sympathies to the bereaved families and their friends, and also share with them on this memorable occasion the fond and happy memories of these legislators, who served beyond their call of duty and responsibilities, and truly loved the State of Washington. They have left a legacy of dedicated services that will remain forever etched in our hearts, our memories and our legislative records. I will now call the roll of the deceased former members and officers of the Senate and House of Representatives.

CANDLE SERVICE

IN MEMORIUM

In tribute to the memories of our distinguished former members of the Senate and House of Representatives who have passed from among us, the Fifty-First Legislative Session of the State of Washington conveys its respects on behalf of the people of our state. May the memory of their dedicated service remain in our hearts.

In Memory of:

Katherine Y. Allen
Henry Backstrom
Samuel Bajema
Howard T. Ball
Howard S. Bargreen
Georgiana Behm
Stewart Bledsoe
Wylie W. Brown
Robert L. Charette
Arthur E. Cox
John T. Dootson
Richard E. Fisch
Avery Garrett
Charles A. Gerold
John A. Goucher
Frank L. Hatley
Lew H. Hubbard
Julia Butler Hansen
Fred D. Kemp
Douglas G. Kirk
John G. McCutcheon
Donald T. Miller
James A. Miller

Tribute by:

Representative Shirley Hankins
Representative Karla Wilson
Representative Lorraine Hine
Representative Steve Fuhrman
Senator Larry L. Vognild
Representative Richard A. King
Representative Curtis P. Smith
Senator Lois J. Stratton
Senator Dan McDonald
Senator Leo K. Thorsness
Representative Marilyn Rasmussen
Representative Evan Jones
Senator Marcus S. Gaspard
Representative Fred O. May
Representative Maria Cantwell
Representative Pete Kremen
Representative Sally W. Walker
Senator Arlie U. DeJarnatt
Representative William A. Grant
Representative Darwin R. Nealey
Representative P. J. Gallagher
Senator Patty Murray
Representative Jim Youngsman

M. B. Mitchell
 Oliver S. Morris
 Ed Munro
 Florence W. Myers
 Sixten P. Nordenberg
 Ernest Thor Olson
 Richard B. Ott
 Lowell Peterson
 Ralph Purvis
 David Porter Reid
 Lester Robison
 Fred H. Smart
 Vivien Twidwell
 Samuel Vestal
 Thomas Voyce
 Theodore Wilson
 S. W. Wurzburg
 Joseph L. Williams

Representative Michael E. Patrick
 Representative Dick Schoon
 Representative Michael Heavey
 Representative Dennis A. Dellwo
 Representative Mary M. Haugen
 Representative Ruth Fisher
 Representative Eugene A. Prince
 Senator Frank J. Warnke
 Representative Paul Zellinsky, Sr.
 Representative Charles R. Wolfe
 Representative Peter T. Brooks
 Senator Stanley C. Johnson
 Representative Grace Cole
 Senator George L. Sellar
 Senator Patrick R. McMullen
 Senator Linda A. Smith
 Representative Mike Padden
 Representative Simeon R. Wilson

*Distinguished former officers of the
 Senate and House of Representatives*

Ward Bowden
 Fred Hildebrand
 S. R. Holcomb
 William S. Howard
 Joseph B. Mehan

Senator Al Williams
 Senator Pat Patterson
 Senator A. L. "Slim" Rasmussen
 Senator Irving Newhouse
 Senator Ellen Craswell

Flower Tribute by Members of the Senate and House of Representatives

<i>How Great Thou Art</i> by Stewart K. Hine	Kathy Ward
<i>In The Garden</i> by C. Austin Miles	
<i>Amazing Grace</i> by John Newton	Ralph Munro, Secretary of State
<i>Lord's Prayer</i> by Malotte	Father Joe Maguire, S.J.
<i>Benediction</i>	Father Joe Maguire, S.J.
<i>Echo Taps</i>	9th Infantry Division (M) Band Bugler SSG. Karl Libertore Bugler SPC. Joey Ellis Drummer SSG. Willie Lawrence Fife SSG. Paul Dorwin
<i>Color Guard</i>	I Corps Command Color Guard SGT. Roland Hinkel SGT. Shelby Cheek SPC. Michael Newsome SPC. Ariel Hernandez

The President of the Senate announced the conclusion of the Memorial Service.

MOTION

On motion of Mr. Ebersole, the Joint Session was dissolved.

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

The colors were retired by the I Corps Command Color Guard.

The Speaker instructed the Sergeants at Arms of the House and Senate to escort President of the Senate Joel Pritchard, President Pro Tempore of the Senate Alan Bluechel, Vice President Pro Tempore Ellen Craswell, Majority Leader Jeannette

Hayner, Democratic Leader Larry Vognild, and members of the Washington State Senate from the House Chamber.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Friday, February 24, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FORTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, February 24, 1989

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Basich, Bristow, Brough, Cantwell, Chandler, Day, Dellwo, Gallagher, Hankins, Locke, H. Sommers and Wang. On motion of Mr. Jesernig, Representatives Day, Dellwo and Wang were excused. On motion of Mr. Schoon, Representatives Brough, Chandler and Hankins were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages John Power and Tim Rogers. Prayer was offered by The Reverend Cecil Thompson, Minister of the Shelton Church of The Nazarene.

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

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

February 24, 1989

On this day in 1889 Chinese were expelled from Tekoa. A witness said they wept like babies when citizens told them to leave. They were reported going to Farmington. And at Aberdeen, an electric light company was organized.

On February 24, 1893 a state normal school for training teachers, the predecessor of Western Washington University, was founded at New Whatcom, later Bellingham.

On February 24, 1937 names of state institutions were changed: The State Normal School at Bellingham became the Western Washington College of Education; the State Normal School at Ellensburg became the Central Washington College of Education; the State Normal School at Cheney became the Eastern Washington College of Education.

MESSAGE FROM THE SENATE

February 22, 1989

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5048,
SENATE BILL NO. 5072,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5097,
SENATE BILL NO. 5176,
SENATE BILL NO. 5209,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5288,
SENATE BILL NO. 5301,
ENGROSSED SENATE BILL NO. 5583,
SENATE JOINT RESOLUTION NO. 8200,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 2141 by Representatives Ferguson, R. Fisher, Ballard, Appelwick, Hine, Anderson, Winsley, Cooper, May, Sayan, Doty, Valle, Day, Baugher, Moyer, Schoon, Wolfe, Brooks, Haugen, D. Sommers, Nutley, Nealey, Jacobsen, R. Meyers, Nelson, Walker, Rust, Brekke,

Belcher, Scott, Locke, Crane, Cantwell, Zellinsky, Rayburn, Wineberry, Cole, Sprenkle, Wang, H. Sommers, Braddock, Bristow, Dellwo, R. King, Rasmussen, Leonard, Phillips, Silver and Spanel

AN ACT Relating to motorcycle helmets; amending RCW 46.37.535; and reenacting and amending RCW 46.37.530.

Referred to Committee on Transportation.

HB 2142 by Representatives Hargrove, Jones and Van Luven

AN ACT Relating to litigation expenses for actions against cities; and creating a new section.

Referred to Committee on Judiciary.

HB 2143 by Representatives Anderson, Wineberry and Nelson

AN ACT Relating to adding semiautomatic weapons to the definition of machine gun; and amending RCW 9.41.200.

Referred to Committee on Judiciary.

HB 2144 by Representatives Doty, Walk and Schmidt

AN ACT Relating to drivers' licenses; and amending RCW 46.20.120.

Referred to Committee on Transportation.

HB 2145 by Representatives Anderson, Wineberry and Nelson

AN ACT Relating to forfeiture of firearms; and amending RCW 9.41.098.

Referred to Committee on Judiciary.

HB 2146 by Representatives Fuhrman, Padden and Wolfe

AN ACT Relating to sodomy; adding a new chapter to Title 28A RCW; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2147 by Representatives Cole, Patrick, Sayan, Vekich, Hine, Miller, Wineberry and Jacobsen

AN ACT Relating to employees using video display terminals; and amending RCW 49.17.050.

Referred to Committee on Commerce & Labor.

HB 2148 by Representatives Dorn, Brumsickle, Walker, Betrozoff, K. Wilson, H. Myers, Schoon, Winsley, Rasmussen and Wolfe

AN ACT Relating to school district liability for injuries sustained by students during participation in athletic or other extracurricular student activity programs; adding a new section to chapter 4.24 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2149 by Representatives Appelwick, P. King, Nelson and Phillips

AN ACT Relating to money received from cities and counties for desegregation programs and transportation for this purpose and extracurricular programming; and amending RCW 84.52.0531.

Referred to Committee on Education.

HB 2150 by Representatives Anderson, Winsley, Leonard, Nutley, Wineberry, Jacobsen, Brekke and Phillips

AN ACT Relating to housing and services for teen parents; adding new sections to chapter 43.63A RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Housing.

HB 2151 by Representatives H. Myers, Tate, Locke, Appelwick, Padden, Hargrove, Moyer, R. Meyers, Dellwo, D. Sommers, P. King, Belcher, Scott, Crane, Inslee and Wolfe

AN ACT Relating to the disposition and sentencing of juvenile offenders; amending RCW 13.40.020, 13.40.027, and 13.40.030; adding a new section to chapter 13.40 RCW; repealing RCW 13.40.035 and 13.40.036; and providing an effective date.

Referred to Committee on Judiciary.

HB 2152 by Representatives Walk, R. Fisher, Jacobsen and Crane

AN ACT Relating to the transportation planning coordination act of 1989; adding a new chapter to Title 81 RCW; and making an appropriation.

Referred to Committee on Transportation.

HB 2153 by Representatives D. Sommers, Haugen, Padden and Ferguson

AN ACT Relating to federal emergency management agency funding; and amending 38.52.010, 38.52.030, 38.52.070, and 38.52.170.

Referred to Committee on State Government.

HB 2154 by Representatives Belcher, Dellwo, Hargrove, Locke and H. Myers

AN ACT Relating to the assignment of retirement benefits; amending RCW 41.50.500, 41.50.530, 41.50.540, 41.50.550, 41.50.560, 41.50.580, 41.50.590, 41.50.600, 41.50.630, 41.40.380, 26.09.138, 2.10.180, 2.12.090, 41.26.180, 41.32.590, and 41.40.380; reenacting and amending 43.43.310; adding new sections to chapter 41.50 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2155 by Representatives Appelwick and P. King

AN ACT Relating to technical corrections and clarifications to the parenting act of 1987 and related provisions; amending RCW 26.09.010, 26.09.015, 26.09.020, 26.09.070, 26.09.080, 26.09.090, 26.09.100, 26.09.225, 26.09.181, 26.09.184, 26.09.187, 26.09.191, 26.09.220, 26.09.240, 26.09.260, 26.09.270, 26.09.285, 26.09.907, 26.09.909, 26.10.060, 26.10.070, 26.10.180, 26.10.100, 26.12.080, 26.26.130, 26.10.190, 26.50.020, 26.09.050, 26.09.150, and 26.10.040; reenacting and amending RCW 26.09.120; adding a new section to chapter 26.26 RCW; adding a new section to chapter 26.50 RCW; adding a new section to chapter 26.10 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2156 by Representatives Silver, Dellwo, Day, D. Sommers, Prince, Moyer, Smith, Kremen and Rector

AN ACT Relating to nonprofit organizations; amending RCW 82.04.365; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Revenue.

HB 2157 by Representatives Rasmussen, Cantwell, Moyer, Youngsman, Tate, Walk, Wineberry, Kremen, Raiter, Dorn, R. Meyers, Baugher, Rayburn, Silver, Schoon, P. King, Winsley, Inslee, Rector, Ferguson, Doty, Fraser, Spanel and Vekich

AN ACT Relating to state tourism policy; amending RCW 43.31.065; and adding new sections to chapter 43.31 RCW.

Referred to Committee on Trade & Economic Development.

HB 2158 by Representatives Rasmussen, Schoon, H. Sommers, Locke, P. King, Wineberry, Winsley, Ferguson, Heavey, Fraser and Vekich

AN ACT Relating to comprehensive cancer centers; and amending RCW 70.37.020.

Referred to Committee on Health Care.

HB 2159 by Representatives Braddock, Anderson, P. King, Morris, Brekke and Phillips

AN ACT Relating to health care; amending RCW 70.39.010, 70.39.020, 70.39.030, 70.39.040, 70.39.100, 70.39.130, 70.39.140, 70.39.150, 70.38.025, 43.131.253, and 43.131.254; reenacting and amending RCW 70.39.050; adding new sections to chapter 70.39 RCW; creating new sections; repealing RCW 70.38.085, 70.38.035, 70.38.045, 70.38.055, 70.38.065, 70.39.070, and 70.39.160; and prescribing penalties.

Referred to Committee on Health Care.

HB 2160 by Representatives Todd, Leonard, Brumsickle, Dellwo, Bowman, Moyer, D. Sommers, Silver, Prentice, Crane, Day, P. King, Winsley, Rector, Brekke and Rasmussen

AN ACT Relating to the children's pilot project; amending section 4, chapter 503, Laws of 1987 (uncodified); creating a new section; and making an appropriation.

Referred to Committees on Human Services/Appropriations.

HB 2161 by Representatives Jacobsen, Prince, Rayburn, Grant, Doty, Heavey, P. King, Miller, Jesernig and Van Luven

AN ACT Relating to the distinguished professorship trust fund program; amending RCW 28B.10.871; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

ESSB 5048 by Committee on Children & Family Services (originally sponsored by Senators Lee, Wojahn, McCaslin, Saling, Rasmussen, Talmadge, Sutherland, von Reichbauer and Nelson; by request of Legislative Budget Committee)

Extending the council for the prevention of child abuse and neglect.

Referred to Committee on Human Services.

SB 5072 by Senators Pullen, Rasmussen, Newhouse, Hansen, Niemi, Talmadge, Conner, Smith, McCaslin, Nelson, Rinehart, West, Hayner, Kreidler, Madsen, Thorsness, Gaspard, Lee, Sutherland and von Reichbauer

Establishing a law enforcement medal of honor.

Referred to Committee on State Government.

ESSB 5097 by Committee on Governmental Operations (originally sponsored by Senators Sutherland, Kreidler and Thorsness; by request of State Military Department)

Regarding the state militia.

Referred to Committee on State Government.

SB 5176 by Senators West, Conner, Patterson, Owen, Barr, Sellar, Benitz, Anderson and Kreidler

Allowing cross-credentialing of rural health professionals.

Referred to Committee on Health Care.

SB 5209 by Senators Rasmussen, Saling, Johnson and Patterson

Revising provisions for license plates for widows of prisoners of war.

Referred to Committee on Transportation.

ESSB 5288 by Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Vognild, Craswell, Benitz, Barr and Amondson)

Providing for the production of salmon smolts by private aquaculturists.

Referred to Committee on Fisheries & Wildlife.

SB 5301 by Senators Williams, Lee and Rasmussen; by request of Department of Labor and Industries

Updating code specifications for factory built housing.

Referred to Committee on Housing.

ESB 5583 by Senators Pullen, Newhouse, Nelson, Rasmussen and Talmadge

Replacing the Washington business corporation act.

Referred to Committee on Judiciary.

SJR 8200 by Senators Pullen, Talmadge, Thorsness, Newhouse, Madsen, Rasmussen, Benitz and Nelson; by request of Attorney General

Amending the state Constitution to provide for rights of crime victims.

Referred to Committee on Judiciary.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

February 21, 1989

HB 1013 Prime Sponsor, Representative P. King: Including motorcycles in the lemon law. Reported by Committee on Commerce & Labor.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Passed to Committee on Rules for second reading.

February 20, 1989

HB 1029 Prime Sponsor, Representative Brekke: Extending the council for the prevention of child abuse and neglect. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Hargrove, Leonard, Padden, Raiter and Winsley

Referred to Committee on Appropriations.

February 22, 1989

HB 1079 Prime Sponsor, Representative Haugen: Including maritime technology and osteopathic medicine students in compact-authorized education programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 18 after "(3)" strike everything down to and including "optometry" on line 23 and insert "The board shall analyze the state's need for degrees offered through the professional student exchange program, and, beginning in the 1990-91 academic year, shall select students for the program based on the results of those analyses, giving priority to students pursuing degrees in areas in which the state has the greatest need for expertise"

Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Fraser, Heavey, Inslee, Jesernig, H. Myers and Wood.

Absent: Representatives Van Luven, Ranking Republican Member; Doty, Miller, Prince and Rector.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 1132 Prime Sponsor, Representative Wineberry: Creating a crime of reckless endangerment in the first degree. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Brough and P. King.

Passed to Committee on Rules for second reading.

February 21, 1989

HB 1143 Prime Sponsor, Representative Heavey: Promoting employer-assisted child care. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Kremen, Moyer, Rasmussen, Raiter, Tate, Walk and Youngsman.

Absent: Representatives Doty, Ranking Republican Member; G. Fisher, Rector and Schoon.

Referred to Committee on Revenue.

February 22, 1989

HB 1189 Prime Sponsor, Representative Basich: Creating a memorial for Washington residents who died or are missing-in-action in the Korean conflict. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 23 after "committee" insert "and the state capitol committee"

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien and Silver.

Absent: Representatives Rector and Sayan.

Referred to Committee on Capital Facilities & Financing.

February 22, 1989

HB 1220 Prime Sponsor, Representative Nealey: Revising provisions for contract projects by water and sewer district. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 9 beginning with "(4)" strike all material down to and including "entities," on line 15

On page 5, after line 26, strike the remainder of the bill

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Wolfe, Wood and Zellinsky.

Absent: Representatives Ferguson, Ranking Republican Member; and Todd.

Passed to Committee on Rules for second reading.

February 21, 1989

HB 1247 Prime Sponsor, Representative R. Fisher: Providing shared leave for state employees. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Sayan and Silver.

Absent: Representative Rector.

Referred to Committee on Appropriations.

February 22, 1989

HB 1320 Prime Sponsor, Representative G. Fisher: Establishing the governor's graduate teacher and principal fellowship program. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Fraser, Heavey, Insee, Jesernig, H. Myers and Wood.

Absent: Representatives Van Luven, Ranking Republican Member; Doty, Miller, Prince and Rector.

Referred to Committee on Appropriations.

February 22, 1989

HB 1341 Prime Sponsor, Representative Valle: Establishing the college savings bond program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:
Beginning on page 1, after line 23 strike the remainder of the bill and insert:

"Sec. 2. Section 15, chapter 125, Laws of 1988 and RCW 28B.106.900 are each amended to read as follows:

The board and the state finance committee shall evaluate the effectiveness of the college savings bond program created by this chapter and section 1 of this act, and shall submit a report about the program, and recommended changes, to the governor and the appropriate standing committees of the senate and house of representatives on or before December 1, 1990. In the report, the board shall consider the advisability of offering incentives to purchase college savings bonds."

On page 1, beginning on line 1 of the title, after "bonds;" strike the remainder of the title and insert "amending RCW 28B.106.900 and adding a new section to chapter 39.42 RCW."

Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Fraser, Heavey, Inslee, Jesernig, H. Myers and Wood.

Absent: Representatives Van Luven, Ranking Republican Member; Doty, Miller, Prince and Rector.

Referred to Committee on Capital Facilities & Financing.

February 21, 1989

HB 1352 Prime Sponsor, Representative Morris: Broadening the definition of executive state officer. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 30 strike "administrator" and insert "~~(administrator)~~ executive director"

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Sayan and Silver.

Absent: Representative Rector.

Passed to Committee on Rules for second reading.

February 20, 1989

HB 1396 Prime Sponsor, Representative Rayburn: Creating an open adoption policy. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Hargrove, Leonard, Padden, Raiter and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 1404 Prime Sponsor, Representative Braddock: Creating exemption to inter-local cooperation contracts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Wolfe, Wood and Zellinsky.

Absent: Representatives Nealey and Todd.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 1406 Prime Sponsor, Representative Cole: Establishing the school and educational service district pay equity and job analysis assessment project. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Holland, Horn, Jones, Phillips, Rayburn, Schoon, Walker and K. Wilson.

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

Absent: Representatives Rasmussen and Valle.

Referred to Committee on Appropriations.

February 21, 1989

HB 1480 Prime Sponsor, Representative Hankins: Changing provisions relating to the productivity board. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 16 after "administration)," insert "If a suggestion generates revenue for an appropriated fund other than the general fund, for a nonappropriated fund, or for a nonappropriated portion of an appropriated fund, an award may be paid from the benefiting fund or account without appropriation."

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Sayan and Silver.

Absent: Representative Rector.

Referred to Committee on Appropriations.

February 20, 1989

HB 1491 Prime Sponsor, Representative Leonard: Redefining the role of the community action agency network. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 20 after "for" strike "the"

Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Hargrove, Leonard and Raiter.

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

Voting nay: Representatives Padden and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 1509 Prime Sponsor, Representative Todd: Creating a legal holiday. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien and Silver.

Absent: Representatives Rector and Sayan.

Referred to Committee on Appropriations.

February 21, 1989

HB 1511 Prime Sponsor, Representative Scott: Providing a tax credit for employer-sponsored child care facilities. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 9 after "employees," insert "If the child care facility is part of a larger building, the tax credit for the child care facility shall be thirty percent of the cost of the portion of the building that shall be used as a child care facility."

Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Kremen, Moyer, Rasmussen, Raiter, Tate, Walk and Youngsman.

Absent: Representatives Doty, Ranking Republican Member; G. Fisher, Rector and Schoon.

Referred to Committee on Revenue.

February 22, 1989

HB 1520 Prime Sponsor, Representative Walk: Changing provisions relating to salary surveys for ferry system employees. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; McLean, Ranking Republican Member; Hankins, Morris, O'Brien and Silver.

MINORITY recommendation: Do not pass. Signed by Representative Anderson, Vice Chair.

Voting nay: Representatives Anderson, Vice Chair; and R. King.

Absent: Representatives Rector and Sayan.

Passed to Committee on Rules for second reading.

February 20, 1989

HB 1521 Prime Sponsor, Representative Leonard: Considering minority and ethnic heritage factors in adoption and foster care placement. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Hargrove, Leonard, Padden, Raiter and Winsley.

Passed to Committee on Rules for second reading.

February 21, 1989

HB 1523 Prime Sponsor, Representative Kremen: Revising provisions for contractor advertising. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 1537 Prime Sponsor, Representative Hargrove: Creating a cause of action for certain victims against individuals involved in pornography. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Brough and Locke.

Passed to Committee on Rules for second reading.

February 21, 1989

HB 1552 Prime Sponsor, Representative Todd: Establishing the office of mobile home affairs and tenant lot fees. Reported by Committee on Housing

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 11 after "tenant ((on))" insert "residing in the park on January 1"

On page 1, beginning on line 24 after "(3)" strike all of the material through "landlord" on line 25 and insert "The landlord shall not charge any fee to collect or administer the one dollar fee the landlord collects under subsection (2) of this section. Any fee paid by a tenant to the landlord for collecting or administering the one dollar fee under subsection (2) of this section prior to the effective date of this act shall be reimbursed to the tenant within thirty days from the date this act takes effect. If the landlord violates this subsection, the landlord shall be liable to the tenant for a penalty of fifty dollars for each violation"

Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Ballard, Inslee, Padden and Todd.

Absent: Representative Rector.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 1556 Prime Sponsor, Representative K. Wilson: Providing for in-service training for teachers in secondary school buildings. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Berozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rayburn, Schoon, Walker and K. Wilson.

Absent: Representatives Rasmussen and Valle.

Referred to Committee on Appropriations.

February 22, 1989

HB 1558 Prime Sponsor, Representative Inslee: Regulating use of steroids. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Morris, D. Sommers, Vekich and Wolfe.

Absent: Representative Chandler.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 1586 Prime Sponsor, Representative Spanel: Providing for child care services at community colleges. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Fraser, Heavey, Inslee, Jesernig, H. Myers and Wood.

Absent: Representatives Van Luven, Ranking Republican Member; Doty, Miller, Prince and Rector.

Referred to Committee on Appropriations.

February 20, 1989

HB 1607 Prime Sponsor, Representative Walk: Including muscular dystrophy in the definition of developmental disabilities. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Hargrove, Leonard, Padden, Raiter and Winsley.

Absent: Representative Brekke.

Referred to Committee on Appropriations.

February 22, 1989

HB 1623 Prime Sponsor, Representative Belcher: Benefiting winter recreation activities of the state parks and recreation commission. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:
On page 2, line 12 strike "approval of plans and specifications"

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Brough and Locke.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 1631 Prime Sponsor, Representative Ferguson: Financing convention centers through local improvement districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Referred to Committee on Capital Facilities & Financing.

February 23, 1989

HB 1648 Prime Sponsor, Representative R. King: Regulating commercial crab fishing in coastal waters. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 17 after "the" strike "coastal" and insert "Washington"

Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Smith and Vekich.

MINORITY recommendation: Do not pass. Signed by Representatives Haugen and Spanel.

Referred to Committee on Appropriations.

February 22, 1989

HB 1669 Prime Sponsor, Representative Anderson: Protecting the confidentiality of initiative, referendum, or recall petitioners. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien and Silver.

Absent: Representatives Rector and Sayan.

Passed to Committee on Rules for second reading.

February 21, 1989

HB 1698 Prime Sponsor, Representative R. Fisher: Consolidating standards for establishing precinct boundaries. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Sayan and Silver.

Absent: Representative Rector.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 1702 Prime Sponsor, Representative Crane: Limiting liability of pharmacists. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 5 strike all of section 1.

Renumber remaining sections consecutively and correct internal references accordingly.

On page 1, line 2 of the title after "RCW;" strike "creating a new section;"

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, P. King, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Voting nay: Representative Inslee.

Absent: Representatives Brough and Locke.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 1706 Prime Sponsor, Representative Sayan: Appropriating money for the department of fisheries. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Haugen, Smith, Spanel and Vekich.

Referred to Committee on Appropriations.

February 21, 1989

HB 1709 Prime Sponsor, Representative O'Brien: Revising provisions for medical aid purchase of health care goods and services. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Referred to Committee on Appropriations.

February 21, 1989

HB 1747 Prime Sponsor, Representative R. Fisher: Eliminating charges for space in the candidates' pamphlet. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Sayan and Silver.

Absent: Representative Rector.

Passed to Committee on Rules for second reading.

February 21, 1989

HB 1756 Prime Sponsor, Representative Sprenkle: Providing for extended area service by telecommunications companies. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Brooks, Cooper, Gallagher, Jacobsen, May, R. Meyers, H. Myers and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Hankins, Ranking Republican Member and Miller.

Absent: Representative Jesernig.

Passed to Committee on Rules for second reading.

February 20, 1989

HB 1762 Prime Sponsor, Representative Walker: Prohibiting discrimination in real estate transactions against physically disabled persons who use guide dogs. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 11 after "trained" strike "dog guide" and insert "~~(dog guide)~~ guide dog or service dog"

Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Hargrove, Leonard, Padden, Raiter and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 1774 Prime Sponsor, Representative Locke: Promoting ski area safety. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Brough, Hargrove and Locke.

Passed to Committee on Rules for second reading.

February 20, 1989

HB 1777 Prime Sponsor, Representative Leonard: Providing for alternative residential placement. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendment:

On page 5, line 11 after "equally" strike "under the terms of" and insert "for the purposes of applying contempt of court processes and penalties under"

Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Anderson, Brekke, Hargrove, Leonard, Raiter and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Tate, Assistant Ranking Republican Member and Padden.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 1791 Prime Sponsor, Representative Chandler: Revising provisions for industrial insurance funds. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Dorn, Inslee, P. King, Nutley, K. Wilson and Winsley.

Absent: Representative Day.

Passed to Committee on Rules for second reading.

February 21, 1989

HB 1793 Prime Sponsor, Representative Ebersole: Creating the Omnibus Alcohol and Controlled Substance Act of 1989. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Appelwick, Bowman, Brekke, Dorn, Ferguson, Hine, May, McLean, Padden, Peery, Spanel, Sprenkle and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Locke, Chair; Belcher, Holland, Nealey and Rust.

Voting nay: Representatives Locke, Chair; Belcher, Holland, Nealey, Rust and Wineberry.

Absent: Representatives Bristow, Brough, Doty, Sayan and Valle.

February 23, 1989

HB 1836 Prime Sponsor, Representative Schoon: Revising restrictions for smoking in public places. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:
On page 2, line 7 after "smoke." strike all material through "possible." on line 12

Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprenkle and Walker.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 1844 Prime Sponsor, Representative Doty: Regulating house-to-house sales. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Referred to Committee on Appropriations.

February 21, 1989

HB 1855 Prime Sponsor, Representative Jones: Establishing a state plant closure law. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Jones, R. King, Leonard, O'Brien and Prentice.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Ranking Republican Member; Smith, Walker and Wolfe.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 1895 Prime Sponsor, Representative Haugen: Modifying assessments against public lands. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 1963 Prime Sponsor, Representative Vekich: Establishing the maternity care access act. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Morris, Prentice, D. Sommers, Sprenkle, Vekich and Wolfe.

Absent: Representative Chandler.

Referred to Committee on Appropriations.

February 22, 1989

HB 1980 Prime Sponsor, Representative Peery: Providing for job sharing in school and educational service districts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rayburn, Schoon, Walker and K. Wilson.

Absent: Representatives Rasmussen and Valle.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 2010 Prime Sponsor, Representative R. King: Allowing nonambulatory disabled persons to hunt from nonhighway motor vehicles. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Haugen, Smith, Spanel and Vekich.

Absent: Representative Vekich.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 2014 Prime Sponsor, Representative Peery: Revising provisions for special education programs for handicapped children. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:
On page 3, line 8 strike "1989-90" and insert "1990-91"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Berozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rayburn, Schoon, Walker and K. Wilson.

Absent: Representatives Rasmussen and Valle.

Referred to Committee on Appropriations.

February 22, 1989

HB 2020 Prime Sponsor, Representative Jacobsen: Providing tuition and fee waivers for intercollegiate athletes to achieve gender equity. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Fraser, Inslee, Jesernig, H. Myers, Prince and Wood.

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

Absent: Representatives Van Luven, Ranking Republican Member; Doty, Miller and Rector.

Referred to Committee on Appropriations.

February 21, 1989

HB 2024 Prime Sponsor, Representative Cantwell: Mandating regulatory fairness. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Kremen, Moyer, Rasmussen, Raiter, Tate, Walk and Youngsman.

Absent: Representatives Doty, Ranking Republican Member; G. Fisher, Rector and Schoon.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 2060 Prime Sponsor, Representative Patrick: Providing industrial insurance coverage for the horse racing industry. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 2088 Prime Sponsor, Representative Zellinsky: Permitting persons in an insurer's holding company system to accept commissions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Dorn, Inslee, P. King, Nutley, Schmidt, K. Wilson and Winsley.

Absent: Representative Day.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 2135 Prime Sponsor, Representative Vekich: Revising provisions on farm labor liens. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 9 after "before the" strike "expiration of twenty days after the"

On page 1, line 10 after "claimed" insert ", or in the case of a lien for furnishing work or labor within twenty days after the cessation of the work or labor for which the lien is claimed"

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 22, 1989

HJM 4004 Prime Sponsor, Representative Belcher: Petitioning Congress to increase the federal minimum wage. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Ebersole, the bills and memorial listed on today's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business suspension calendar.

SECOND READING

HOUSE BILL NO. 1215, by Representatives Appelwick and Padden

Discusses variable interest rates in relation to the uniform commercial code.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Appelwick spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1215.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1215, and the bill passed the House by the following vote: Yeas, 86; absent, 6; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brumsickle, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslie, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 86.

Absent: Representatives Basich, Bristow, Cantwell, Gallagher, Locke, Sommers H - 6.

Excused: Representatives Brough, Chandler, Day, Dellwo, Hankins, Wang - 6.

House Bill No. 1215, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

HOUSE BILL NO. 1231, by Representatives R. King, S. Wilson, Hargrove and Fuhrman

Modifying procedures regarding disposal of skins and furs.

The bill was read the second time.

Mr. R. King moved that the committee recommendation be adopted (For committee amendment, see Journal, 26th Day, February 3, 1989.) and the bill be advanced to third reading. Representatives R. King and Fuhrman spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1231.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1231, and the bill passed the House by the following vote: Yeas, 88; absent, 4; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 88.

Absent: Representatives Basich, Cantwell, Gallagher, Locke - 4.

Excused: Representatives Brough, Chandler, Day, Dellwo, Hankins, Wang - 6.

Engrossed House Bill No. 1231, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Basich and Cantwell appeared at the bar of the House.

HOUSE BILL NO. 1282, by Representatives Walk, Schmidt and Baugher

Defining motor freight forwarders and brokers.

The bill was read the second time.

Mr. Walk moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Walk spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1282.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1282, and the bill passed the House by the following vote: Yeas, 87; absent, 5; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 87.

Absent: Representatives Bristow, Gallagher, Kremen, Locke, Scott - 5.

Excused: Representatives Brough, Chandler, Day, Dellwo, Hankins, Wang - 6.

House Bill No. 1282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

On this date, while within the bar of the House, my roll call button failed to activate and, as a result, my "Yea" vote on House Bill No. 1282, Motor Freight Forwarders, failed to register. I want the record to show that it was my intention to vote "Yea" on this measure.

PETE KREMEN, 42nd District.

HOUSE BILL NO. 1330, by Representatives Walk, Schmidt, R. Meyers, Kremen, R. Fisher, Walker, Youngsman, S. Wilson, Winsley, Braddock, Brough, Raiter, Schoon, Pruitt and Spanel; by request of Director of County Road Administration Board

Changing provisions relating to ferry operation.

The bill was read the second time.

Mr. Walk moved that the committee recommendation be adopted (For committee amendments, see Journal, 22nd Day, January 30, 1989.) and the bill be advanced to third reading. Mr. Walk spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1330.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1330, and the bill passed the House by the following vote: Yeas, 88; absent, 4; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 88.

Absent: Representatives Basich, Fuhrman, Gallagher, Locke - 4.

Excused: Representatives Brough, Chandler, Day, Dellwo, Hankins, Wang - 6.

Engrossed House Bill No. 1330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Please record me as a "Yes" vote on the final passage of Engrossed House Bill No. 1330. I was at the back of the Chamber discussing another bill and could not reach my desk in time to vote.

STEVE FUHRMAN, 7th District.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced that the House would immediately consider House Bill No. 1049 on the suspension calendar.

HOUSE BILL NO. 1049, by Representatives Locke, Inslee, Appelwick, P. King and Wineberry

Relating to permitting prosecutors to perform certain legal services.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted (For committee amendments, see Journal, 29th Day, February 6, 1989.) and the bill be advanced to third reading. The motion was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1049.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1049, and the bill passed the House by the following vote: Yeas, 90; absent, 2; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Gallagher, Locke - 2.

Excused: Representatives Brough, Chandler, Day, Dellwo, Hankins, Wang - 6.

Engrossed House Bill No. 1049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced that the House would immediately consider House Bill No. 1438 on the suspension calendar.

HOUSE BILL NO. 1438, by Representatives Todd, R. Fisher, Smith, Haugen, Hankins, K. Wilson, Gallagher, Patrick, Jacobsen, Jones, Winsley and Walk; by request of Legislative Transportation Committee

Increasing public transportation reporting requirements.

The bill was read the second time.

Mr. Walk moved that the committee recommendation be adopted (For committee amendment, see Journal, 26th Day, February 3, 1989.) and the bill be advanced to third reading. Mr. Walk spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1438.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1438, and the bill passed the House by the following vote: Yeas, 90; absent, 2; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Gallagher, Locke - 2.

Excused: Representatives Brough, Chandler, Day, Dellwo, Hankins, Wang - 6.

Engrossed House Bill No. 1438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1062, by Representatives Appelwick, Padden, Inslee, Tate, Jacobsen and P. King; by request of State Military Department

Revising provisions in the Washington code of military justice.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted (For committee amendments, see Journal, 19th Day, January 27, 1989.) and the bill be advanced to third reading. Mr. Appelwick spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1062.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1062, and the bill passed the House by the following vote: Yeas, 90; absent, 2; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Gallagher, Locke - 2.

Excused: Representatives Brough, Chandler, Day, Dellwo, Hankins, Wang - 6.

Engrossed House Bill No. 1062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Gallagher appeared at the bar of the House.

HOUSE BILL NO. 1077, by Representatives Ebersole, Crane, Walk, Dellwo, Haugen, Todd, Smith, Gallagher, O'Brien, Brough, Ballard, Rector, Heavey, Jones, D. Sommers, Ferguson, Wineberry, H. Myers, G. Fisher, Miller, Phillips and Valle

Modifying requirements for curb ramps for handicapped persons.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted (For committee amendment, see Journal, 26th Day, February 3, 1989.) and the bill be advanced to third reading. Mr. Cooper spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1077.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1077, and the bill passed the House by the following vote: Yeas, 90; absent, 2; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Cole, Cooper, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Crane, Locke - 2.

Excused: Representatives Brough, Chandler, Day, Dellwo, Hankins, Wang - 6.

Engrossed House Bill No. 1077, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Locke appeared at the bar of the House.

HOUSE BILL NO. 1081, by Representatives Padden, Appelwick, Dellwo, Rayburn, Rector, Heavey, Basich, Kremen, Jones, Winsley, P. King, Moyer, Silver, Insee, Wineberry, H. Myers, Patrick, Miller, Wolfe, Youngsman, Walker, Van Luven, Sprenkle, Nealey, Rasmussen, Brough, May, Brumsickle, Ballard and Anderson; by request of Sentencing Guidelines Commission

Restricting release of persons convicted of vehicular homicide or assault.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted (For committee amendments, see Journal, 29th Day, February 6, 1989.) and the bill be advanced to third reading. Mr. Appelwick spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1081.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1081, and the bill passed the House by the following vote: Yeas, 90; absent, 2; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Rayburn, Sayan - 2.

Excused: Representatives Brough, Chandler, Day, Dellwo, Hankins, Wang - 6.

Engrossed House Bill No. 1081, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1082, by Representatives Padden, Appelwick, Dellwo, Rector, Heavey, P. King, R. Meyers, H. Myers, Wolfe, Ballard and Anderson; by request of Sentencing Guidelines Commission

Establishing seriousness levels for unranked felonies.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted (For committee amendments, see Journal, 29th Day, February 6, 1989.) and the bill be advanced to third reading. Mr. Appelwick spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1082.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1082, and the bill passed the House by the following vote: Yeas, 92; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Excused: Representatives Brough, Chandler, Day, Dellwo, Hankins, Wang - 6.

Engrossed House Bill No. 1082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1109, by Representatives O'Brien, McLean, Anderson, Wineberry, Betzoff, G. Fisher, R. Fisher, Sayan, Wang, Pruitt, Baugher, Winsley, P. King, Kremen, H. Meyers, Brumsickle, Rasmussen, Van Luven and Tate

Dealing with voter registration for high school students.

The bill was read the second time.

Mr. Peery moved that the committee recommendation be adopted (For committee amendment, see Journal, 29th Day, February 6, 1989.) and the bill be advanced to third reading. The motion was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1109.

Representatives O'Brien, Betzoff and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1109, and the bill passed the House by the following vote: Yeas, 92; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Excused: Representatives Brough, Chandler, Day, Dellwo, Hankins, Wang - 6.

Engrossed House Bill No. 1109, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1177, by Representatives Nelson, Miller, Jacobsen and Silver; by request of Washington State Energy Office

Extending utility lending of credit to equipment.

The bill was read the second time.

Mr. Nelson moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Nelson spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1177.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1177, and the bill passed the House by the following vote: Yeas, 92; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Excused: Representatives Brough, Chandler, Day, Dellwo, Hankins, Wang - 6.

House Bill No. 1177, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Ebersole the House advanced to the seventh order of business.

THIRD READING

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1629 on third reading. The motion was carried.

HOUSE BILL NO. 1629, by Representatives Vekich, Patrick, Cole, Locke, Appelwick, Anderson, Winsley, Leonard, Prentice, R. King, Rector, Wineberry, Scott, Jacobsen, Belcher, Cooper, Pruitt, Wang, Nutley, Phillips, K. Wilson, Cantwell, Valle, Brekke, Fraser, Nelson, P. King, O'Brien, Dellwo, Basich, Sayan, Ebersole, Rust, R. Fisher and Sprenkle; by request of Employment Security Department

Revising unemployment compensation provisions for agricultural labor.

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

Representatives Vekich, Jones, Inslee and Cole spoke in favor of passage of the bill, and Representatives Patrick, Smith and Nealey opposed it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1629, and the bill passed the House by the following vote: Yeas, 59; nays, 33; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 59.

Voting nay: Representatives Ballard, Beck, Betrozof, Bowman, Brooks, Brumsickle, Doty, Ferguson, Fuhrman, Haugen, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Wolfe, Wood, Youngsman - 33.

Excused: Representatives Brough, Chandler, Day, Dellwo, Hankins, Wang - 6.

House Bill No. 1629, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

The Speaker (Mr. Heavey presiding) called the House to order.

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

MOTIONS

On motion of Mr. Ebersole, House Bill No. 1509 was referred from Committee on Appropriations to Committee on Rules.

On motion of Mr. Ebersole, House Bill No. 1567 was referred from Committee on Local Government to Committee on Revenue.

On motion of Mr. Ebersole, House Bill No. 1625 was referred from Committee on Health Care to Committee on Financial Institutions & Insurance.

On motion of Mr. Ebersole, House Bill No. 1631 was referred from Committee on Capital Facilities & Financing to Committee on Rules.

On motion of Mr. Ebersole, House Bill No. 2093 was referred from Committee on Local Government to Committee on Energy.

On motion of Mr. Ebersole, House Bill No. 2142 was referred from Committee on Judiciary to Committee on Local Government.

On motion of Mr. Ebersole, House Joint Resolution No. 4214 was referred from Committee on Local Government to Committee on Revenue.

On motion of Mr. Ebersole, House Joint Resolution No. 4218 was referred from Committee on Appropriations to Committee on Revenue.

STATEMENT FOR THE JOURNAL

If I had been present on Friday, February 24, 1989, I would have cast a "Yes" vote on final passage of the following bills: House Bill No. 1215, Engrossed House Bill No. 1231, House Bill No. 1282, Engrossed House Bill No. 1330, Engrossed House Bill No. 1049, Engrossed House Bill No. 1438, Engrossed House Bill No. 1062, Engrossed House Bill No. 1077, Engrossed House Bill No. 1081, Engrossed House Bill No. 1082, Engrossed House Bill No. 1109 and House Bill No. 1177.

I would have voted "No" on final passage of House Bill No. 1629.

SHIRLEY HANKINS, 8th District.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Monday, February 27, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTIETH DAY

MORNING SESSION

House Chamber, Olympia, Monday, February 27, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Belcher, Brekke, Brough, Dellwo, Hankins, P. King, Morris, Nutley, Wineberry and Mr. Speaker. On motion of Mr. Jesernig, Representatives Belcher, Dellwo, P. King, Morris, Nutley, Wineberry and Mr. Speaker were excused. On motion of Ms. Miller, Representatives Brough and Hankins were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sarah Fort and Suzanne Jee. Prayer was offered by The Reverend F. Mark Dowdy, Senior Pastor of the United Churches of Olympia.

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

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

February 27, 1989

On this day in 1889 The Alpha Opera House in Tacoma advertised a typical program for theaters of the era: Lydia Thompson and Her Grand Burlesque Company in Stephens and Solomon's New Satire, PENELOPE. Charming Music--Witty Dialogues--Elaborate Costumes--Novel Effects--55 Selected Artists. The Event of the Season. Prices: Reserved seats, \$1.50; gallery, 75 cents. And the first artesian well attempted near Walla Walla was being drilled.

On this day in 1908, the engineer's report on the filling of tide flats at Grays Harbor was completed.

On February 27, 1931 Harborview Hospital in Seattle was dedicated.

MESSAGE FROM THE SENATE

February 24, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5087,
 SENATE BILL NO. 5092,
 SUBSTITUTE SENATE BILL NO. 5126,
 SUBSTITUTE SENATE BILL NO. 5138,
 SUBSTITUTE SENATE BILL NO. 5151,
 SUBSTITUTE SENATE BILL NO. 5175,
 SUBSTITUTE SENATE BILL NO. 5181,
 SUBSTITUTE SENATE BILL NO. 5248,
 ENGROSSED SENATE BILL NO. 5328,
 SUBSTITUTE SENATE BILL NO. 5367,
 SUBSTITUTE SENATE BILL NO. 5379,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 2162 by Representative Vekich

AN ACT Relating to the community economic revitalization board; and amending RCW 43.160.060.

Referred to Committee on Trade & Economic Development.

HB 2163 by Representatives Vekich, Heavey, Hargrove and Brekke

AN ACT Relating to revision of teacher certification requirements; amending RCW 28A.04.174, 28A.04.176, 28A.04.178, and 28A.70.040; and repealing RCW 28A.70.042.

Referred to Committee on Education.

HB 2164 by Representatives Kremen, Cantwell and Moyer

AN ACT Relating to an industrial extension grant program; adding a new chapter to Title 18 RCW; and making an appropriation.

Referred to Committee on Trade & Economic Development.

HB 2165 by Representatives Ebersole, Grant, Nelson, Rayburn, Baugher, Belcher, Braddock, K. Wilson, Rector, Rasmussen and Dorn

AN ACT Relating to the regulation of petroleum prices; amending RCW 80.04.010, 80.01.040, 80.28.080, 80.28.090, and 80.28.100; and creating a new section.

Referred to Committee on Energy & Utilities.

HB 2166 by Representatives Heavey, Patrick and S. Wilson

AN ACT Relating to the repeal of the business cycle within the state of Washington; and creating new sections.

Referred to Committee on Trade & Economic Development.

HB 2167 by Representatives Leonard, Winsley, Schoon, Nutley, Rector and Todd

AN ACT Relating to sites for mobile home parks; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 43.63A RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committees on Housing/Appropriations.

HB 2168 by Representatives Nelson, Hankins, Jesernig, Raiter, Miller, May, Rust, Inslee, Valle and Spanel

AN ACT Relating to the imposition of services charges at facilities handling wastes composed of both radioactive and hazardous components; amending RCW 70.105.010; adding a new section to chapter 70.105 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Energy & Utilities.

HB 2169 by Representatives Dellwo, Moyer, Schmidt, Rector, Zellinsky, Dorn, Rasmussen, Brooks, Grant, Wolfe, Day, Silver and D. Sommers

AN ACT Relating to the depreciation base of nursing homes whose depreciable assets were transferred but once between July 1, 1966, and July 1, 1986; reenacting and amending RCW 74.46.360; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 2170 by Representatives Zellinsky, Winsley and Schoon

AN ACT Relating to HIV testing for coverage under Title 48 RCW; and adding a new section to chapter 70.24 RCW.

Referred to Committee on Health Care.

HB 2171 by Representatives Todd, Nelson, Prentice, Cole, Leonard, Brekke and Phillips

AN ACT Relating to a local option tax for housing, health, and human services for the poor and infirm; and adding a new chapter to Title 82 RCW.

Referred to Committees on Local Government/Revenue.

HB 2172 by Representatives Nutley, Nelson, Winsley and Schoon

AN ACT Relating to low-income weatherization; and amending RCW 70.164.040, 80.28.025, and 82.16.055.

Referred to Committee on Housing

HB 2173 by Representatives Haugen and Ferguson

AN ACT Relating to limiting the authority of cities to impose license fees or taxes on the resale of network telephone services; and amending RCW 35.21.712, 35.21.714, 35.21.715, 35A.82.055, 35A.82.060, and 35A.82.065.

Referred to Committee on Revenue.

HB 2174 by Representatives Leonard, Holland, Wineberry, Winsley, Schoon, Crane, Van Luvan, Scott, Prentice, May, Brekke and Todd

AN ACT Relating to child welfare services; and reenacting and amending RCW 74.13.031.

Referred to Committee on Human Services.

HJM 4019 by Representatives Nelson, D. Sommers and R. Fisher

Requesting equal income tax treatment of employer-provided transit passes and vehicle parking.

Referred to Committee on Transportation.

SSB 5087 by Committee on Environment & Natural Resources (originally sponsored by Senators Bender, Warnke, Rasmussen, Vognild, Owen and Conner)

Dealing with game and game fish.

Referred to Committee on Fisheries & Wildlife.

SB 5092 by Senators Lee and Talmadge

Pertaining to the sale of water district property.

Referred to Committee on Local Government.

SSB 5126 by Committee on Energy & Utilities (originally sponsored by Senators Benitz, Williams, Bluechel, Owen, Nelson, Stratton, Sutherland and Metcalf)

Amending the provisions for a surveillance fee for low-level radioactive waste disposal.

Referred to Committee on Energy & Utilities.

SSB 5138 by Committee on Transportation (originally sponsored by Senators Nelson and Bender)

Specifying inspection fees for vehicles previously registered in other states or countries.

Referred to Committee on Transportation.

SSB 5151 by Committee on Environment & Natural Resources (originally sponsored by Senators Wojahn, Rasmussen, Metcalf, Bauer, Vognild, Warnke and Moore)

Extending senior citizen state park passes.

Referred to Committee on Natural Resources & Parks.

SSB 5175 by Committee on Health Care & Corrections (originally sponsored by Senators Barr, Conner, Patterson, Owen, McMullen, Metcalf, Sellar, Benitz, Anderson, West, Bauer, Warnke and Kreidler)

Regarding rural health care training.

Referred to Committee on Health Care.

SSB 5181 by Committee on Health Care & Corrections (originally sponsored by Senators West, Conner, Patterson, Sellar, McMullen, Barr, Metcalf, Vognild, Benitz, Anderson, Bauer and Niemi)

Providing for standardization of nurse training and nurse education course content.

Referred to Committee on Health Care.

SSB 5248 by Committee on Education (originally sponsored by Senators Bailey, Rinehart, Anderson, Metcalf, Lee, Murray, Craswell, Fleming, Gaspard, Bauer, Wojahn, Nelson, Saling, Sutherland, Rasmussen, Vognild and McMullen)

Increasing penalties for the sale of drugs near schools.

Referred to Committee on Judiciary.

ESB 5328 by Senators Bluechel, Lee, Smitherman and Warnke; by request of Director of Trade and Economic Development

Revising provisions for the community economic revitalization board.

Referred to Committee on Trade & Economic Development.

SSB 5367 by Committee on Transportation (originally sponsored by Senators Nelson and Bender; by request of Legislative Transportation Committee)

Increasing public transportation reporting requirements.

Referred to Committee on Transportation.

SSB 5379 by Committee on Governmental Operations (originally sponsored by Senators Hansen, Newhouse, Barr, Benitz, Hayner, Patterson, Matson, Stratton, Bauer and West)

Requiring a member from eastern Washington on the tax appeals board.

Referred to Committee on State Government.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

February 23, 1989

HB 1021 Prime Sponsor, Representative Hine: Allowing school nurses to transfer their retirement accounts from city retirement systems to the state teachers' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member, Appelwick, Bowman, Brekke, Dorn, Doty, Ferguson, Hine, May, Nealey, Peery, Spanel, Sprengle and Valle.

Absent: Representatives Brough, Holland, McLean, Padden, Peery, Spanel, Wang and Wineberry.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 1026 Prime Sponsor, Representative Spanel: Regulating sea urchin fishing. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with amendment by Committee on Fisheries & Wildlife. (For committee amendment, see Journal, 19th Day, January 27, 1989.)

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Belcher, Bowman, Braddock, Brekke, Bristow, Dorn, Doty, Ebersole, Hine, May, Nealey, Peery, Rust, Sayan, Spanel, Sprengle, Valle and Wineberry.

Absent: Representatives Appelwick, Brough, Holland, McLean, Padden and Wang.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 1032 Prime Sponsor, Representative Holland: Providing for general obligation bonds. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Beck, Bowman, Braddock, Fraser, Jacobsen and Peery.

Absent: Representatives Betzoff, Bowman, Bristow, Wang and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 1097 Prime Sponsor, Representative Appelwick: Exempting property used by homes for the aged from taxation. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Appelwick, Basich, Brumsickle, Fraser, Fuhrman, Grant, Haugen, Morris, Phillips, Rust, Silver, H. Sommers and Van Luven.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 1104 Prime Sponsor, Representative Valle: Revising provisions for motor vehicle inspection and maintenance. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprengle, Van Luven and Walker.

Passed to Committee on Rules for second reading.

February 21, 1989

HB 1133 Prime Sponsor, Representative Wineberry: Encouraging employer involvement in child care facilities development and services. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Kremen, Moyer, Rasmussen, Raiter, Tate, Waik and Youngsman.

Absent: Representatives Doty, Ranking Republican Member; G. Fisher, Rector and Schoon.

Referred to Committee on Appropriations.

February 23, 1989

HB 1186 Prime Sponsor, Representative Sayan: Waiving fees for national guard members. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Inslee, Jesernig, Miller, Prince and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Spanel, Vice Chair; and H. Myers.

Absent: Representative Rector.

Referred to Committee on Appropriations.

February 23, 1989

HB 1257 Prime Sponsor, Representative Gallagher: Regulating overdimensional load service. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Cantwell, Cooper, G. Fisher, R. Fisher, Gallagher, Hankins, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, Walker, S. Wilson and Zellinsky.

Absent: Representatives Betrozoff, Cantwell, Day, Haugen, Nelson, D. Sommers and Todd.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 1281 Prime Sponsor, Representative Belcher: Providing property tax relief for mineral production. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; R. Fisher, Hargrove, Raiter and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Beck, Ranking Republican Member; and Brumsickle.

Voting nay: Representatives Beck, Ranking Republican Member; Brumsickle and Ferguson.

Absent: Representative Fuhrman.

Referred to Committee on Revenue.

February 23, 1989

HB 1338 Prime Sponsor, Representative Cole: Regulating passing school buses. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 6 after "~~((on the highway))~~" insert "on the roadway"

On page 1, line 11 after "motion" strike "or is signaled by the school bus driver to proceed" and insert "~~((or is signaled by the school bus driver to proceed))~~"

On page 1, line 20 after "(a)" strike all material through "~~(b))~~" on line 23 and insert "When school children do not have to cross a highway and the bus is stopped completely off the main traveled portion of the roadway and when the school bus driver stops a school bus completely off the main traveled portion of the roadway pursuant to this section, the school bus driver shall actuate the hazard warning lamps as defined in RCW 46.37.215 before loading or unloading students; or

(b)"

On page 1, line 26 strike "~~((c)) (b)~~" and insert "(c)"

On page 2, after line 5 insert:

"(4) On multiple lane roadways the bus route shall serve each side of the roadway for preschool through grade six students so that the child does not have to cross the roadway, unless there is a traffic signal or adult crossing guard within five hundred feet of the bus stop to assist students while crossing such multiple lane roadways.

"(5) For the purposes of this section, 'main traveled portion of the roadway' means that portion of a roadway designed for the through movement of vehicular traffic exclusive of side-walks, shoulders, parking spaces, and public transit and other loading zones, and 'multiple lane roadway' means a roadway which provides for the two-way movement of vehicular traffic and which at the point a school bus is stopped to receive or discharge students has either a total of three or more adjacent lanes for the through movement of traffic or two lanes for the through movement of traffic separated by a two-way left turn lane.

"(6) The driver of a vehicle upon a multiple lane roadway need not stop upon meeting a school bus traveling in the opposite direction which is stopped for the purpose of receiving or discharging school children on an oncoming travel lane."

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betrozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representatives Horn and P. King.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 1360 Prime Sponsor, Representative R. Fisher: Revising personnel administration. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 21 after "relations" strike everything through "or principal" on line 25 and insert "in all state agencies employing such executive"

On page 3, line 30 after "(25)" insert "in each agency with fifty or more employees; deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(26)"

Renumber the remaining subsections consecutively.

On page 4, beginning on line 16 after "governor." strike everything through "exemptions." on line 20 and insert "The (~~state personnel board~~) director of personnel shall report to each regular session of the legislature during an odd-numbered year all exemptions granted (~~pursuant to the provisions of this subsection~~) under subsections (24), (25), and (28) of this section, together with the reasons for such exemptions."

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Sayan and Silver.

Absent: Representatives R. King, O'Brien and Rector.

Referred to Committee on Appropriations.

February 23, 1989

HB 1405 Prime Sponsor, Representative Jacobsen: Regarding building fees for higher education. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Beck, Braddock, Fraser, Jacobsen and Peery.

Absent: Representatives Betrozoff, Bristow, Wang and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 1424 Prime Sponsor, Representative Pruitt: Adding to provisions on the outcome-based education pilot program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betrozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representatives Horn, P. King, Phillips and Walker.

Referred to Committee on Appropriations.

February 23, 1989

HB 1426 Prime Sponsor, Representative Winsley: Relating to the hound stamp. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Haugen, Smith, Spanel and Vekich.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 1428 Prime Sponsor, Representative Betzoff: Creating awards for outcome-based education programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representatives Horn, P. King and Phillips.

Referred to Committee on Appropriations.

February 23, 1989

HB 1435 Prime Sponsor, Representative Jacobsen: Providing for adult literacy. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Insee, Jesernig, Miller, H. Myers, Prince and Wood.

Absent: Representative Rector.

Referred to Committee on Appropriations.

February 23, 1989

HB 1477 Prime Sponsor, Representative Prentice: Revising provisions for educational assistance for nurses. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Insee, Jesernig, Miller, H. Myers, Prince and Wood.

Absent: Representative Rector.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 1496 Prime Sponsor, Representative Cantwell: Regulating residential care facilities. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Brooks, Ranking Republican Member; Cantwell, Morris, D. Sommers, Vekich and Wolfe.

Absent: Representatives Day, Vice Chair; Chandler and Prentice.

Referred to Committee on Appropriations.

February 23, 1989

HB 1572 Prime Sponsor, Representative R. Fisher: Clarifying procedures for nominations of minor parties and independent candidates. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Sayan and Silver.

Absent: Representative Rector.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 1574 Prime Sponsor, Representative Wang: Authorizing cities and towns to impose an excise tax on brokered natural gas. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican

Member; Appelwick, Basich, Brumsickle, Fraser, Fuhrman, Grant, Haugen, Morris, Phillips, Rust, Silver, H. Sommers and Van Luven.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 1661 Prime Sponsor, Representative Hine: Regulating the placement of electrical facilities. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 1673 Prime Sponsor, Representative Wang: Changing provisions relating to abuse of teachers. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 8 strike "inflicts injury or"

On page 1, line 9 after "a" strike all material through "duties" on line 10 and insert "((teacher anywhere on the school premises while such teacher is carrying out his official duties)) school employee when the school employee is carrying out assigned duties at a school event or on school property"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betrozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representatives Horn and P. King.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 1731 Prime Sponsor, Representative Morris: Providing for the licensing of adult family homes. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Brooks, Ranking Republican Member; Cantwell, Morris, Prentice, D. Sommers, Sprengle and Wolfe.

Absent: Representatives Day, Vice Chair; Chandler and Vekich.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 1757 Prime Sponsor, Representative Fuhrman: Permitting certain second class school districts to hire officers' spouses as substitute teachers. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Cole, Dorn, Fuhrman, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representatives Holland, Horn and P. King.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 1765 Prime Sponsor, Representative Hine: Establishing the professional educator renewal program. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 11 after "fund." insert "The superintendent of public instruction shall solicit funds from the private sector to be used in addition to appropriated funds in financing the professional education renewal grants. These funds shall be deposited in the sabbatical leave fund. If the funds received from private donations and appropriations do not equal the funds generated by the certification fee increase for the prior year, the funds in the sabbatical leave fund may not be used for that year. A determination on availability of funds shall be made on July first of each year beginning on July 1, 1990."

On page 3, line 13 after "The" strike all material through "instruction" on line 14, and insert "state board of education"

On page 3, line 15 strike "by ten dollars"

On page 3, line 16 strike "ten dollars from the fee" and insert "an amount equal to the fee increase"

On page 3, after line 24 strike all material through "act." on line 29

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representatives Horn and P. King.

Referred to Committee on Appropriations.

February 23, 1989

HB 1769 Prime Sponsor, Representative Fraser: Allowing student exchange programs with institutions in other states. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Inslee, Jesernig, Miller, H. Myers, Prince and Wood.

Absent: Representative Rector.

Passed to Committee on Rules for second reading.

February 24, 1989

HB 1775 Prime Sponsor, Representative Leonard: Providing for the disposition of gross receipts and fees from new horse race meets. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Referred to Committee on Appropriations.

February 23, 1989

HB 1829 Prime Sponsor, Representative Phillips: Establishing school-based early intervention projects. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representatives Horn and P. King.

Referred to Committee on Appropriations.

February 23, 1989

HB 1853 Prime Sponsor, Representative Jones: Providing for oil spill damage assessments. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprengle, Van Luven and Walker.

Referred to Committee on Appropriations.

February 23, 1989

HB 1890 Prime Sponsor, Representative R. Fisher: Changing provisions concerning redistricting. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Sayan and Silver.

Absent: Representatives R. King and Rector.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 1904 Prime Sponsor, Representative Hine: Substituting the word improvements, in place of facilities, for use as security for transportation impact fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Cantwell, Cooper, G. Fisher, R. Fisher, Gallagher, Hankins, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, Walker, S. Wilson and Zellinsky.

Absent: Representatives Berozoff, Cantwell, Day, Haugen, Nelson, D. Sommers and Todd.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 1940 Prime Sponsor, Representative Sprenkle: Prohibiting the distribution of samples of tobacco products. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Brooks, Ranking Republican Member; Cantwell, Morris, Prentice, D. Sommers, Sprenkle and Wolfe.

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

Absent: Representatives Day, Vice Chair; Chandler, Prentice and Vekich.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 1944 Prime Sponsor, Representative Sprenkle: Prohibiting tobacco sales to minors. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and and substitute bill do pass. Signed by Representatives Braddock, Chair; Brooks, Ranking Republican Member; Cantwell, Morris, Prentice, D. Sommers, Sprenkle and Wolfe.

Absent: Representatives Day, Vice Chair; Chandler and Vekich.

Referred to Committee on Revenue.

February 23, 1989

HB 1957 Prime Sponsor, Representative Zellinsky: Repealing excess funds transfer provisions for the Puget Sound ferry operations account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Cantwell, G. Fisher, R. Fisher, Gallagher, Hankins, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prince, Smith, Walker and Zellinsky.

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

Absent: Representatives Berozoff, Day, Haugen, Nelson, D. Sommers and Todd.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 1976 Prime Sponsor, Representative Prentice: Extending the project cost evaluation methodology program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Wood, Assistant Ranking Republican Member; Cantwell, Cooper, G. Fisher, R. Fisher, Gallagher, Hankins, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prince, Smith and Zellinsky.

Absent: Representatives Berozoff, Day, Haugen, Nelson, D. Sommers and Todd.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 2012 Prime Sponsor, Representative Haugen: Regulating port district land improvement. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 2030 Prime Sponsor, Representative Hine: Restricting the composition of metropolitan municipal councils. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 2041 Prime Sponsor, Representative Nutley: Changing landlord-tenant law. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Ballard, Insee, Padden and Todd.

Absent: Representative Rector.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 2066 Prime Sponsor, Representative Cantwell: Creating an interim task force to evaluate school student transportation safety. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Cole, Dorn, Holland, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Berozoff, Ranking Republican Member; Brumsickle and Fuhrman.

Absent: Representatives Horn and P. King.

Passed to Committee on Rules for second reading.

February 22, 1989

HB 2139 Prime Sponsor, Representative Wineberry: Promoting small business growth. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 16, after "means" strike "committees and commerce and labor committees of the senate and" and insert "committee and economic development and labor committee of the senate and the appropriations committee and trade and economic development committee of"

Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; G. Fisher, Kremen, Moyer, Rasmussen, Raiter, Schoon, Tate, Walk and Youngsman.

Absent: Representatives Doty, Ranking Republican Member; and Rector.

Referred to Committee on Appropriations.

February 23, 1989

HJM 4006 Prime Sponsor, Representative Anderson: Asking the federal government to adopt a uniform poll closing law. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Sayan and Silver.

Absent: Representative Rector.

Passed to Committee on Rules for second reading.

February 24, 1989

HJM 4012 Prime Sponsor, Representative Brumsickle: Petitioning Congress to restore the deductibility of the retail sales tax. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Basich, Brumsickle, Fraser, Fuhrman, Grant, Haugen, Morris, Phillips, Rust and H. Sommers.

Absent: Representatives Wang, Chair; Appelwick, Silver and Van Luven.

Passed to Committee on Rules for second reading.

February 24, 1989

HJM 4016 Prime Sponsor, Representative Wang: Petitioning Congress to enact legislation authorizing the collection of sales tax from out-of-state direct marketers. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Basich, Brumsickle, Fraser, Fuhrman, Grant, Haugen, Morris, Phillips, Rust and H. Sommers.

Absent: Representatives Wang, Chair; Appelwick, Silver and Van Luven.

Passed to Committee on Rules for second reading.

February 24, 1989

HCR 4408 Prime Sponsor, Representative Cantwell: Recommending adoption of the Washington State Economic Development Board Reports by the legislature. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Raiter, Rector and Walk.

MINORITY recommendation: Do not pass. Signed by Representatives Schoon, Tate and Youngsman.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Ebersole, the bills, memorials and resolution listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

HOUSE BILL NO. 1058, by Representatives R. Fisher, Hankins, Zellinsky and Jones

Revising provisions for suspension without pay of a state patrol officer.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 24th Day, February 1, 1989.)

Ms. R. Fisher moved adoption of the committee amendments. Ms. R. Fisher spoke in favor of adoption of the committee amendments, and they were adopted.

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

Representatives R. Fisher and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1058, and the bill passed the House by the following vote: Yeas, 88; absent, 1; excused, 9.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Braddock, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 88.

Absent: Representative Brekke - 1.

Excused: Representatives Belcher, Brough, Dellwo, Hankins, King P, Morris, Nutley, Wineberry, and Mr. Speaker - 9.

Engrossed House Bill No. 1058, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Belcher appeared at the bar of the House.

HOUSE BILL NO. 1096, by Representatives Appelwick and May

Recording of federal liens.

The bill was read the second time

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1096, and the bill passed the House by the following vote: Yeas, 89; absent, 1; excused, 8.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 89.

Absent: Representative Brekke - 1.

Excused: Representatives Brough, Dellwo, Hankins, King P, Morris, Nutley, Wineberry, and Mr. Speaker - 8.

House Bill No. 1096, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Nutley and Wineberry appeared at the bar of the House.

HOUSE BILL NO. 1240, by Representatives Braddock and Morris; by request of Director of Department of Licensing

Changing provisions relating to funeral directors.

The bill was read the second time

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1240, and the bill passed the House by the following vote: Yeas, 91; absent, 1; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 91.

Absent: Representative Brekke - 1.

Excused: Representatives Brough, Dellwo, Hankins, King P, Morris, and Mr. Speaker - 6.

House Bill No. 1240, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Brekke appeared at the bar of the House.

HOUSE BILL NO. 1251, by Representatives Nutley, Zellinsky, Ferguson, Haugen, Cooper, Phillips, Raiter and Rayburn

Changing provisions relating to municipal annexations.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1251 was substituted for House Bill No. 1251, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1251 was read the second time.

MOTION

Mr. Ebersole moved that the House defer further consideration of Substitute House Bill No. 1251 and that the bill hold its place on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1252, by Representatives Prentice, Morris, Wood, Patrick, Braddock, D. Sommers, G. Fisher, Day, Leonard, Ebersole and Wineberry; by request of Department of Licensing

Changing provisions relating to registered nurses.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1252 was substituted for House Bill No. 1252, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1252 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1252, and the bill passed the House by the following vote: Yeas, 92; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 92.

Excused: Representatives Brough, Dellwo, Hawkins, King P, Morris, and Mr. Speaker - 6.

Substitute House Bill No. 1252, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Mr. Speaker appeared at the bar of the House.

HOUSE BILL NO. 1258, by Representatives Scott, Patrick, Heavey, P. King, R. Meyers, Schmidt, Crane, Tate, Padden, Belcher, Inslee, Moyer, Prentice, Jacobsen, Holland, Kremen, Todd, G. Fisher, Winsley, Basich, Beck, Ballard, Baugher, Silver, Morris, Rector, Brough, Miller and Brumsickle

Making assaults on law enforcement personnel third degree assault.

The bill was read the second time.

Ms. Walker moved adoption of the following amendment by Representatives Walker and R. Fisher:

On page 1, line 28, after "assault" insert "; or
(g) Assaults a fire investigator, fire inspector, or deputy state fire marshal employed by a county fire prevention bureau, county fire marshal's office, or the department of community development who was performing his or her official duties at the time of the assault"

Ms. Walker spoke in favor of adoption of the amendment.

POINT OF ORDER

Mr. Appelwick: Mr. Speaker, I would request a ruling on the scope and object of the amendment.

POINT OF ORDER

Mr. Padden: Mr. Speaker, I would like the record to show that Representative Walker had already started speaking in favor of the amendment before this point of order was raised. So I believe it is not timely.

MOTION

Mr. Ebersole moved that the House defer further consideration of House Bill No. 1258 and that the bill hold its place on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1291, by Representatives Belcher, Brumsickle, Sayan, Wang, K. Wilson, Raiter, Dellwo, Bowman, Day, Rector, Nelson, Todd, Jacobsen and Sprengle

Designating additional components of the scenic river system.

The bill was read the second time. On motion of Ms. Belcher, Substitute House Bill No. 1291 was substituted for House Bill No. 1291, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1291 was read the second time.

Ms. Belcher moved adoption of the following amendment:

On page 4, line 2, after "lands" strike "solely"

Ms. Belcher spoke in favor of adoption of the amendment, and it was adopted.

Ms. Rasmussen moved adoption of the following amendment by Representatives Rasmussen and Dorn:

On page 4, line 29, after "to" strike everything through "river" on line 30 and insert "to the easterly end of Alward county road"

Representatives Rasmussen and Dorn spoke in favor of adoption of the amendment, and Representatives Belcher and Sayan opposed it.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the adoption of the amendment by Representatives Rasmussen and Dorn to Substitute House Bill No. 1291.

The Speaker (Mr. O'Brien presiding), being in doubt, called upon the House to divide. The result of the division was: Yeas - 49; Nays - 42. The amendment was adopted.

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

The Speaker assumed the Chair.

Representatives Belcher and K. Wilson spoke in favor of passage of the bill, and Representatives Nealey and Beck opposed it.

POINT OF INQUIRY

Ms. Belcher yielded to question by Mr. Heavey.

Mr. Heavey: Representative Belcher, if I have five acres on one of these rivers and I want to subdivide it into four lots for homes and if I have the current right to do that, would that be affected by this bill?

Ms. Belcher: Not at all. Current statutes would prevail. This bill specifically prohibits any impact from this bill on private property ownership.

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

POINT OF INQUIRY

Ms. Belcher yielded to question by Mr. Hargrove.

Mr. Hargrove: Representative Belcher, it is my understanding that the state Scenic Rivers Act has several portions that explicitly provide for protection of private property rights. Is that correct?

Ms. Belcher: Yes. The current version of the state Scenic Rivers Act provides that the management plan developed for the land adjoining the scenic river shall only affect public lands. The right of eminent domain cannot be used under the act. The law strictly prohibits any government from restricting the use of private lands without either the specific written consent of the landowner or the acquisition of property rights.

Mr. Hargrove: Does this mean that forest management activities will not be affected by a rivers designation?

Ms. Belcher: Several provisions refer to the lack of regulation, not only to forest management but also to other activities. A specific portion of the existing law refers to DNR management activities as exempt from regulation. Also, the previous points about not affecting private property apply. But just to make everything perfectly clear, this bill adds language that state and local governments may not add regulation to private lands solely due to a river's designation into the state scenic river system. In committee we added a protection that probably should have been in the original law: one stating that no existing water rights are affected by a rivers designation.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1291, and the bill passed the House by the following vote: Yeas, 65; nays, 27; absent, 1; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Belcher, Bowman, Braddock, Brekke, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jones, King R, Kremen, Leonard, Locke, Meyers R, Miller, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schoon, Scott, Sommers

D, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 65.

Voting nay: Representatives Ballard, Basich, Baugher, Beck, Betrozoff, Bristow, Chandler, Doty, Fuhrman, Jesernig, May, McLean, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Schmidt, Silver, Smith, Tate, Van Luven, Walker, Wilson S, Wolfe, Youngsman - 27.

Absent: Representative Gallagher - 1.

Excused: Representatives Brough, Dellwo, Hankins, King P, Morris - 5.

Engrossed Substitute House Bill No. 1291, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE CONCURRENT RESOLUTION NO. 4403, by Representatives Rust, Nelson, D. Sommers, R. King, May, Pruitt, Winsley, Anderson, Valle, Sprengle, Ferguson, G. Fisher, Crane, Wood, Brekke, Inslee, Moyer, Brough and Phillips

Creating a Biospheric Task Force.

The resolution was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 22nd Day, January 30, 1989.)

Ms. Rust moved adoption of the committee amendments. Ms. Rust spoke in favor of adoption of the committee amendments, and they were adopted.

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

Representatives Rust, D. Sommers, Nelson and Heavey spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Concurrent Resolution No. 4403, and the resolution was adopted by the following vote: Yeas, 90; nays, 1; absent, 2; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprengle, Tate, Todd, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representative Youngsman - 1.

Absent: Representatives Sommers H, Valle - 2.

Excused: Representatives Brough, Dellwo, Hankins, King P, Morris - 5.

Engrossed House Concurrent Resolution No. 4403, having received the constitutional majority was declared adopted.

STATEMENT FOR THE JOURNAL

As I was hastening to my seat on the floor to record my vote on the final passage of Engrossed House Concurrent Resolution No. 4403, the voting machine was closed. The purpose of this statement is to record my effort and intention to vote "Yes" on EHCR 4403.

GEORGETTE VALLE, 34th District.

The Speaker declared the House to be at ease until 11:30 a.m.

The Speaker called the House to order at 11:30 a.m.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced that the House would begin consideration of the suspension calendar.

HOUSE BILL NO. 1272, by Representatives Wang, Patrick, Walker, Cole, Leonard, Winsley and P. King

Defining liquor by the drink for purposes of a class H license.

The bill was read the second time.

Ms. Cole moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Cole spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1272.

Representatives Wang and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1272, and the bill passed the House by the following vote: Yeas, 92; absent, 1; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representative O'Brien - 1.

Excused: Representatives Brough, Dellwo, Hankins, King P, Morris - 5.

House Bill No. 1272, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1342, by Representatives Dellwo, Locke, Crane, Wineberry, Moyer, Padden, Belcher, H. Myers, Day, Winsley, Rector and Sprenkle; by request of Department of Corrections

Allowing department of corrections to petition for review of sentences.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted (For committee amendments, see Journal, 29th Day, February 6, 1989.) and the bill be advanced to third reading. Representatives Appelwick and Padden spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1342.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1342, and the bill passed the House by the following vote: Yeas, 90; absent, 3; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Gallagher, Schmidt, Walk - 3.

Excused: Representatives Brough, Dellwo, Hankins, King P, Morris - 5.

Engrossed House Bill No. 1342, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1398, by Representatives Baugher, McLean, Nealey, Rayburn, Inslee, Heavey, Doty, Smith, Moyer, Chandler, Betrozoff, Wolfe, Miller, Sayan, Ballard, H. Myers and Jesernig; by request of Governor Gardner

Regarding emergency drought relief.

The bill was read the second time.

Ms. Rayburn moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Rayburn and Nealey spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1398.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1398, and the bill passed the House by the following vote: Yeas, 92; absent, 1; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representative Gallagher - 1.

Excused: Representatives Brough, Dellwo, Hankins, King P, Morris - 5.

Substitute House Bill No. 1398, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1418, by Representatives Padden, Moyer, Fuhrman, Wolfe, Day, Crane, Smith, Chandler, Ballard and Tate

Adding provisions on moral nuisances.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted (For committee amendments, see Journal, 29th Day, February 6, 1989.) and the bill be advanced to third reading. Representatives Appelwick and Padden spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1418.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1418, and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Brough, Dellwo, Hankins, King P, Morris - 5.

Engrossed House Bill No. 1418, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1115, by Representatives Zellinsky, Schmidt, Baugher, Pruitt, Sayan, Haugen, Scott, Vekich, Padden, Cooper and R. Meyers

Authorizing purchase of legend drugs by animal control agencies.

The bill was read the second time.

Ms. Rayburn moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Rayburn spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1115.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1115, and the bill passed the House by the following vote: Yeas, 91; absent, 2; excused, 5. Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Dorn, Gallagher - 2.

Excused: Representatives Brough, Dellwo, Hankins, King P, Morris - 5.

Substitute House Bill No. 1115, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1197 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1197, by Representatives Brekke, Winsley, Brooks, Appelwick, Kremen, Leonard, Phillips, P. King, Braddock, H. Sommers, Ferguson, Moyer, Bristow, Inslee and Raiter

Regulating the administration of antipsychotic medications.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 1197 was substituted for House Bill No. 1197, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1197 was read the second time.

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

Representatives Brekke, Moyer and Sayan spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1197, and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Brough, Dellwo, Hankins, King P, Morris - 5.

Substitute House Bill No. 1197, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTIONS

On motion of Mr. Ebersole, House Bill No. 2133 was referred from Committee on Revenue to Committee on Commerce & Labor.

On motion of Mr. Ebersole, House Bill No. 2171 was referred from Committees on Local Government/Revenue to Committee on Revenue.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4624, by Representatives R. Meyers and Pruitt

WHEREAS, The health and future welfare of the citizens of this state are interdependent; and

WHEREAS, February 27, 1989 is designated as the second Legislative Fitness Day in recognition of the importance of physical fitness; and

WHEREAS, To heighten our awareness of the importance of physical fitness the Washington Alliance of Health, Physical Education, Recreation and Dance has volunteered to perform a variety of fitness screening and assessment services for members of the legislature and legislative employees; and

WHEREAS, A day of physical fitness recognized as such by the legislature will serve to promote the public's awareness of the importance of physical fitness and good health practices;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That the twenty-seventh day of February 1989 be designated as "Legislative Fitness Day"; and

BE IT FURTHER RESOLVED, That all appropriate state agencies are encouraged to promote public awareness of the importance of physical fitness and good health practices.

Mr. Pruitt moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4624 was adopted.

STATEMENT FOR THE JOURNAL

If I had been present on Monday, February 27, 1989, I would have voted "Yes" on final passage of the following bills: Engrossed House Bill No. 1058, House Bill No. 1096, House Bill No. 1240, Substitute House Bill No. 1252, Engrossed House Concurrent Resolution No. 4403, House Bill No. 1272, Engrossed House Bill No. 1342, Substitute House Bill No. 1398, Engrossed House Bill No. 1418, Substitute House Bill No. 1115 and Substitute House Bill No. 1197.

I would have voted "No" on final passage of Engrossed Substitute House Bill No. 1291.

SHIRLEY HANKINS, 8th District.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Wednesday, March 1, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 1, 1989

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Bristow and Locke. On motion of Mr. Jesernig, Representative Bristow was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Teresa Iffert and Brendan Hogan. Prayer was offered by The Reverend F. Mark Dowdy, Senior Pastor of the United Churches of Olympia.

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

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

March 1, 1989

On this day in 1889 detectives arrested six people from Walla Walla for fraud. They drove worthless cattle in front of trains and charged the railroad the price of prime animals. And Captain Paul Boynton, a swimmer noted for his aquatic shows and for swimming in his "patent rubber suit," arrived in Seattle to capture live sea lions for the Lincoln Park Zoo of Chicago. He would also try to capture mountain goats, seals, grizzlies and cougars. He warned that the work was dangerous, for a sea lion could bite off a man's arm.

On March 1, 1918 lumber mills and logging camps switched from a ten-hour day to an eight-hour day, and on March 1, 1922 Bertha Knight Landes began her successful campaign for the Seattle City Council. She and Kathryn Miracle were elected and were the first two women to serve on the council.

On this day in 1953 Tacoma's first television station (KTNT, Channel 11) began broadcasting. The first day consisted of six hours of programming, including the movie "Our Town," starring William Holden.

And on this day in 1984 the Washington Public Power Supply System's first plant to be completed was approved by the Nuclear Regulatory Commission. Capable of generating more power than Seattle used in a day, it was seven years behind schedule and cost eight times the original estimate.

MESSAGE FROM THE SENATE

February 27, 1989

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5059,
ENGROSSED SENATE BILL NO. 5440,
SENATE BILL NO. 5464.

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 2175 by Representatives Walker, Padden and Winsley

AN ACT Relating to exemptions from industrial insurance coverage; and amending RCW 51.12.020.

Referred to Committee on Commerce & Labor.

HB 2176 by Representatives Schoon, Van Luven, D. Sommers and Walker

AN ACT Relating to the Puget Sound water quality authority; amending RCW 70.146-.070, 79.90.550, 90.48.260, 90.70.001, 90.70.005, 90.70.011, 90.70.025, 90.70.035, 90.70.045, 90.70.055, 90.70.060, 90.70.070, 90.70.080, and 90.70.900; adding a new section to chapter 43.21A RCW; and creating new sections.

Referred to Committee on Environmental Affairs.

HB 2177 by Representatives Bristow, Ballard, Fraser and Todd

AN ACT Relating to volunteer firefighters; amending RCW 41.24.030, 41.24.150, 41.24-.160, 41.24.170, 41.24.180, 41.24.010, 41.24.020, 41.24.040, 41.24.050, 41.24.080, 41.24.110, 41.24.140, 41.24.175, 41.24.190, 41.24.200, 41.24.210, 41.24.220, 41.24.230, 41.24.240, 41.24.250, 41.24.290, and 41.24.310; adding new sections to chapter 41.24 RCW; repealing RCW 41.24.031; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2178 by Representatives Fuhrman, Appelwick, Padden, Belcher, Patrick, R. Meyers, Rasmussen, Fraser, Todd, Dorn, Hargrove, P. King, D. Sommers, Wolfe, Youngsman, Moyer, Tate, Ballard, Inslee and Morris

AN ACT Relating to deviant ritualistic acts; adding a new chapter to Title 9A RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2179 by Representatives Belcher, Fraser, Cole, R. Fisher and P. King

AN ACT Relating to state employees' insurance benefit plans; and amending RCW 41.05.075.

Referred to Committee on Health Care.

HB 2180 by Representatives D. Sommers, Walk, Moyer, Fuhrman and Padden

AN ACT Relating to motor vehicles; and amending RCW 81.80.220.

Referred to Committee on Transportation.

HB 2181 by Representatives Pruitt, Valle, Brekke and Nelson

AN ACT Relating to beer beverage container recycling; adding a new chapter to Title 19 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 2182 by Representatives Locke and Nelson

AN ACT Relating to the housing trust fund; amending RCW 59.18.270; and providing effective dates.

Referred to Committee on Housing.

HB 2183 by Representative Betrozoff

AN ACT Relating to territorial boundaries for telecommunications companies; and amending RCW 80.36.230.

Referred to Committee on Energy & Utilities.

HB 2184 by Representatives Tate, Doty, Padden and Youngsman

AN ACT Relating to employment zones; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 2185 by Representatives Doty and Inslee

AN ACT Relating to emergency expenditures for economic development purposes; adding a new section to chapter 43.31 RCW; and making an appropriation.

Referred to Committee on Trade & Economic Development.

HB 2186 by Representatives Valle, Winsley, Jacobsen, Heavey and P. King

AN ACT Relating to an evaluation program for institutions of higher education; adding new sections to Title 28B RCW; creating a new section; and making an appropriation.

Referred to Committees on Higher Education/Appropriations.

HB 2187 by Representatives Holland and R. Fisher

AN ACT Relating to specifying the reporting dollar codes to be used by the public disclosure commission; and adding a new section to chapter 42.17 RCW.

Referred to Committee on State Government.

HB 2188 by Representatives Kremen and P. King

AN ACT Relating to attempting to elude a law enforcement vessel; adding a new section to chapter 88.02 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2189 by Representatives Wolfe, Zellinsky, Wood, Chandler, Moyer, Silver, Padden, Fuhrman and Tate

AN ACT Relating to the designation of sources of public revenues; adding new sections to chapter 43.88 RCW; and declaring an emergency.

Referred to Committee on Revenue.

HB 2190 by Representatives Wolfe, Wood, Chandler, Padden, Moyer, Fuhrman and Tate

AN ACT Relating to the business and occupation tax gross income and gross proceeds threshold; amending RCW 82.04.300; and creating a new section.

Referred to Committee on Revenue.

HB 2191 by Representatives Patrick, Wolfe, Hargrove, Fuhrman and Padden

AN ACT Relating to the protection of the unborn child; adding new sections to chapter 9.02 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2192 by Representatives Patrick, Wolfe, Hargrove and Fuhrman

AN ACT Relating to children killed as a result of an abortion; adding a new section to chapter 68.50 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2193 by Representatives Haugen and Spanel

AN ACT Relating to excise taxes; adding a new chapter to Title 82 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Revenue.

HB 2194 by Representatives Rayburn, Baugher and Inslee

AN ACT Relating to use of the waters of the Yakima river basin; and adding a new chapter to Title 90 RCW.

Referred to Committee on Agriculture & Rural Development.

HB 2195 by Representative Wineberry

AN ACT Relating to work training release; and adding a new section to chapter 72.65 RCW.

Referred to Committee on Judiciary.

HB 2196 by Representatives Cantwell, Brooks, Braddock and Anderson

AN ACT Relating to trauma care; amending RCW 70.168.010, 70.168.040, and 46.20.181; and making an appropriation.

Referred to Committee on Health Care.

HB 2197 by Representatives Vekich and Winsley

AN ACT Relating to a Hood Canal marine fish preservation area; and adding a new section to chapter 75.08 RCW.

Referred to Committee on Fisheries & Wildlife.

HB 2198 by Representatives Nelson, Hankins, Cooper, Miller, May, Jacobsen, Brooks, Todd and H. Myers

AN ACT Relating to energy efficiency and conservation; and creating a new section.

Referred to Committee on Energy & Utilities.

HCR 4409 by Representatives Nelson, Todd and Wineberry

Creating a joint legislative committee on telecommunications.

Referred to Committee on Energy & Utilities.

HCR 4410 by Representatives Belcher, Locke and Anderson

Creating a joint select committee on employee compensation.

Referred to Committee on State Government.

SB 5059 by Senators Smith, Rasmussen, Metcalf, Benitz, Amondson, Anderson, Thorsness and Sutherland

Providing for a steelhead punchcard for persons under age fifteen.

Referred to Committee on Fisheries & Wildlife.

ESB 5440 by Senators von Reichbauer, Bender, Patterson, DeJarnatt, Conner and Hansen; by request of Legislative Transportation Committee

Regulating tow trucks.

Referred to Committee on Transportation.

SB 5464 by Senators von Reichbauer, Moore, Johnson, Gaspard and McCaslin

Changing provisions relating to boxing and wrestling.

Referred to Committee on State Government.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

HB 1039 Prime Sponsor, Representative Haugen: Providing oil dump and holding tank pump station information to boaters. Reported by Committee on Natural Resources & Parks
February 24, 1989

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, R. Fisher, Raiter and Sayan.

Absent: Representatives Dellwo, Ferguson, Fuhrman and Hargrove.

Passed to Committee on Rules for second reading.

HB 1065 Prime Sponsor, Representative Jones: Increasing penalties for sex crimes against children. Reported by Committee on Appropriations
February 24, 1989

MAJORITY recommendation: The substitute bill by the Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Dorn, Ebersole, Ferguson, Hine, May, Nealey, Peery, Rust, Sayan, Spanel, Sprenkle, Valle and Wineberry.

Absent: Representatives Brough, Doty, Ferguson, Holland, McLean, Padden and Wang.

Passed to Committee on Rules for second reading.

February 27, 1989

HB 1124 Prime Sponsor, Representative Walker: Enacting the elementary school counseling program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Holland, Horn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle and Walker.

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

Absent: Representative P. King.

Referred to Committee on Appropriations.

February 27, 1989

HB 1249 Prime Sponsor, Representative Rust: Addressing plastic debris in marine environments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with amendment by Committee on Environmental Affairs (For committee amendment, see Journal, 31st Day, February 8, 1989.) and with the following amendments by Committee on Appropriations:

On page 2, following line 16 strike everything down to and including "act." on line 21
Renumber the remaining sections consecutively.

On page 1, line 2 of the title strike "making an appropriation."

Signed by Representatives Locke, Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Dorn, Doty, Ebersole, Ferguson, Hine, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

Absent: Representatives H. Sommers, Vice Chair; Brough and Holland.

Passed to Committee on Rules for second reading.

February 27, 1989

HB 1274 Prime Sponsor, Representative Haugen: Creating an office of natural resource enforcement and providing for its evaluation and design. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. King, Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Cole, Haugen, Smith and Spanel.

Absent: Representatives Morris, Vice Chair; Brooks and Vekich.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 1285 Prime Sponsor, Representative Prince: Regarding services and activities fee programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 2 after "administration" strike "shall (" and insert "(~~shall~~"

On page 2, line 3 after "response)" insert "may"

On page 2, line 32 after "for" strike "board" and insert "bond"

Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luvan, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Inslee, Jesernig, Miller, H. Myers and Wood.

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

Absent: Representative Rector.

Passed to Committee on Rules for second reading.

February 24, 1989

HB 1294 Prime Sponsor, Representative Rector: Establishing the Washington employment futures program. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Raiter, Rector, Schoon, Tate, Walk and Youngsman.

Referred to Committee on Appropriations.

February 28, 1989

HB 1310 Prime Sponsor, Representative Pruitt: Reorganizing the department of social and health services. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

On page 4, after line 32 insert:

"NEW SECTION. Sec. 7. If a department of health is created during the 1989 legislative session, the powers, functions and duties transferred to that department and the structure and organization of that department are not subject to sections 1 through 6 of this act."

Renumber the remaining sections consecutively.

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector, Sayan and Silver.

Referred to Committee on Appropriations.

February 24, 1989

HB 1321 Prime Sponsor, Representative Hine: Altering pension funding. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefore and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Dorn, Ebersole, Ferguson, Hine, May, Nealey, Peery, Rust, Sayan, Spanel, Sprenkle, Valle and Wineberry.

Absent: Representatives Brough, Doty, Holland, McLean, Padden and Wang.

Passed to Committee on Rules for second reading.

February 24, 1989

HB 1322 Prime Sponsor, Representative Hine: Authorizing cost-of-living adjustments for members of retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefore and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Dorn, Ebersole, Hine, May, Nealey, Peery, Rust, Sayan, Spanel, Valle and Wineberry.

Absent: Representatives Brough, Doty, Holland, McLean, Padden and Wang.

Passed to Committee on Rules for second reading.

February 23, 1989

HB 1323 Prime Sponsor, Representative Hine: Changing provisions relating to portability of public employment retirement benefits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Bowman, Brekke, Dorn, Doty, Ebersole, Ferguson, Hine, May, Nealey, Peery, Rust, Sayan, Spanel, Sprenkle and Valle.

Absent: Representatives Brough, Holland, McLean, Padden, Peery, Spanel, Wang and Wineberry.

Passed to Committee on Rules for second reading.

February 27, 1989

HB 1372 Prime Sponsor, Representative Rector: Establishing the center for children and family studies. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Inslee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Absent: Representatives Basich and Doty.

Referred to Committee on Appropriations.

February 24, 1989

HB 1377 Prime Sponsor, Representative Leonard: Requiring improvements to contaminated residences. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Inslee, Padden, Rector and Todd.

Absent: Representative Ballard.

Referred to Committee on Appropriations.

February 24, 1989

HB 1397 Prime Sponsor, Representative Rayburn: Regarding water use efficiency and conservation. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Doty, Grant, Jesernig, McLean, H. Myers, Rasmussen and Youngsman.

Absent: Representatives Baugher and Chandler.

Referred to Committee on Capital Facilities & Financing.

February 24, 1989

HB 1411 Prime Sponsor, Representative Vekich: Defining employer obligations to employees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Jones, R. King, Leonard, O'Brien and Prentice.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Ranking Republican Member; Smith, Walker and Wolfe.

Referred to Committee on Appropriations.

February 27, 1989

HB 1429 Prime Sponsor, Representative Betrozoff: Permitting school levies for operation and maintenance to be for a four-year period. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betrozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representatives Cole, P. King and Walker.

Referred to Committee on Revenue.

February 27, 1989

HB 1454 Prime Sponsor, Representative Todd: Specifying ownership of transportation improvements in a transportation benefit district. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 3, after line 19, insert the following:

*Sec. 4. Section 18, chapter 1, Laws of 1988 ex. sess. and RCW 84.52.052 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district except school districts in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium, transportation benefit district, and convention district may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and RCW 84.52.043, or RCW 84.55.010 through 84.55.050, when authorized so to do by the electors of such county, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium, transportation benefit district, and convention district in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 64 and as thereafter amended, at a special or general election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the county legislative authority, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium, transportation benefit district, and convention district, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote 'yes' and those opposed thereto to vote 'no.'

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, strike "and 36.73.040" and insert "36.73.040, and 84.52.052"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representatives Day, Hankins and Todd.

Passed to Committee on Rules for second reading.

February 24, 1989

HB 1504 Prime Sponsor, Representative R. King: Providing for the evaluation of indoor air quality in public buildings. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprengle, Van Luven and Walker.

Absent: Representative Phillips.

Referred to Committee on Appropriations.

February 28, 1989

HB 1533 Prime Sponsor, Representative Nelson: Requiring landfills to contain hazardous wastes for the life of the waste. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprengle, Van Luven and Walker.

Absent: Representatives Valle, Vice Chair; and Van Luven.

Passed to Committee on Rules for second reading.

February 27, 1989

HB 1573 Prime Sponsor, Representative Ebersole: Regarding identification of levy reduction funds. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:
On page 4, line 13 strike "or workload"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle and Walker.

Absent: Representative P. King.

Referred to Committee on Appropriations.

February 27, 1989

HB 1575 Prime Sponsor, Representative H. Sommers: Modifying school district funding. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 9, after "to" insert "a maximum of"

On page 1, line 10, after "RCW 84.52.0531(4)" insert "for excess levies for collection in that calendar year"

On page 1, after line 25, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 84.52 RCW to read as follows:

Any levy imposed by a school district under section 1 of this act shall be subject to repeal or a reduction in rate by a referendum petition. Any referendum petition to repeal or reduce a school district annual regular ad valorem property tax equal to a maximum of ten percent of the district's levy base as authorized in section 1 of this act shall be filed with the county auditor at any time after two years from the passage of the levy. However, no levy authorized under section 1 of this act shall be subject to referendum more than once in a twenty-four month period. Within ten days, the auditor shall confer with the petitioner concerning form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title shall be posed as a question so that an affirmative answer to the question and an affirmative vote on the measure results in the tax or tax rate increase being imposed and a negative answer to the question and a negative vote on the measure results in the tax or tax rate increase not being imposed. The petitioner shall be notified of the identification number and ballot title within this ten-day period.

After this notification, the petitioner shall have thirty days in which to secure on petition forms the signatures of not less than fifteen percent of the registered voters in the school district and to file the signed petitions with the county auditor. Each petition form shall contain the ballot title and full text of the measure to be referred. The county auditor shall verify the sufficiency of the signature on the petitions. If sufficient valid signatures are properly submitted, the county auditor shall submit the referendum measure to the school district voters at a general or special election held on one of the dates provided in RCW 29.13.010 as determined by the school district board of directors, which election shall not take place later than one hundred twenty days after the signed petition has been filed with the county auditor. The referendum procedure provided in this section shall be the exclusive method for subjecting any school district levy or levy rate authorized in section 1 of this act to a referendum vote."

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

On page 2, line 25, after "section" strike "less ten percentage points if the district is also making a levy under section 1 of this act"

On page 3, line 2, after "year" insert "and the amount of any levy under section 1 of this act"

On page 1, line 2 of the title, strike "a new section" and insert "new sections"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzozoff, Ranking Republican Member; Cole, Dorn, Holland, Jones, Phillips, Rasmussen, Rayburn, Valle and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Brumsickle, Fuhrman, Horn, Schoon and Walker.

Absent: Representatives P. King and Pruitt.

Referred to Committee on Appropriations.

February 27, 1989

HB 1602 Prime Sponsor, Representative Brekke: Establishing an adoption disclosure procedure. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Bristow, Chair; Moyer, Ranking Republican Member; Brekke, Leonard, Raiter and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Scott, Vice Chair; Tate, Assistant Ranking Republican Member; Hargrove and Padden.

Absent: Representative Anderson.

Passed to Committee on Rules for second reading.

February 24, 1989

HB 1618 Prime Sponsor, Representative Locke: Making major revisions concerning public housing authorities. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Ballard, Insee, Padden, Rector and Todd.

Passed to Committee on Rules for second reading.

February 27, 1989

HB 1655 Prime Sponsor, Representative Schoon: Establishing the elementary school counselor program. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 21 after "community," insert "A school district may elect to provide these services by employing a social worker with educational staff associate certification."

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betrozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle and Walker.

Absent: Representative P. King.

Referred to Committee on Appropriations.

February 28, 1989

HB 1657 Prime Sponsor, Representative R. Fisher: Creating a risk management program and agency accountability. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Belcher, Brough, Dellwo, Hargrove, Locke, Moyer, Patrick, Scott, D. Sommers and Tate.

Absent: Representative P. King.

Referred to Committee on Appropriations.

February 28, 1989

HB 1665 Prime Sponsor, Representative R. Fisher: Providing for greater cost-efficiency in disposing of state surplus property. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 24 after "state" insert ". The division of purchasing shall maintain a record of disposed surplus property, including date and method of disposal, identity of any recipient, and approximate value of the property."

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector, Sayan and Silver.

Absent: Representative Morris.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1703 Prime Sponsor, Representative R. Fisher: Revising computation of subsistence and travel expenses. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 25 after "(3)" strike all material down to and including "section," on page 2, line 8 and insert "The director of financial management may prescribe reasonable allowances to cover reasonable expenses for meals, coffee, and light refreshment served to elective and appointive officials and state employees regardless of travel status at a meeting where: a) the purpose of the meeting is to conduct official state business or to provide formal training to state employees or state officials; b) the meals, coffee, or light refreshment are an integral part of the meeting or training session; c) the meeting or training session takes place away from the employee's or official's regular workplace; and d) the agency head or authorized designee approves payments in advance for the meals, coffee, or light refreshment. In order to prevent abuse, the director may regulate such allowances and prescribe additional conditions for claiming the allowances."

(4) Upon approval of the agency head or authorized designee, an agency may serve coffee or light refreshments at a meeting where: a) the purpose of the meeting is to conduct state business or to provide formal training that benefits the state; and b) the coffee or light refreshment is an integral part of the meeting or training session. The director of financial management shall adopt requirements necessary to prohibit abuse of the authority authorized in this subsection."

Renumber the remaining subsection consecutively.

On page 2, line 26 after "exceed" strike all material through line 28 and insert "(the rates set by the federal government for federal employees) any rate set by the United States Treasury Department above which the substantiation requirements specified in Treasury Department Regulations section 1.274-5T (a) (1), as now law or hereafter amended, will apply."

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector, Sayan and Silver.

Absent: Representative Morris.

Referred to Committee on Appropriations.

February 24, 1989

HB 1711 Prime Sponsor, Representative Cole: Creating a crime prevention employee training program for businesses during late night hours. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Referred to Committee on Appropriations.

February 24, 1989

HB 1718 Prime Sponsor, Representative Hine: Changing provisions relating to disability retirement for Washington state patrol. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Dorn, Ebersole, Ferguson, Hine, May, Nealey, Peery, Rust, Sayan, Spanel, Sprengle, Valle and Wineberry.

Absent: Representatives Brough, Doty, Holland, McLean, Padden and Wang.

Passed to Committee on Rules for second reading.

February 24, 1989

HB 1719 Prime Sponsor, Representative Hine: Providing for disposition of excess retirement benefits upon death of the recipient. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican

Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Dorn, Ebersole, Hine, May, Nealey, Peery, Rust, Sayan, Spanel, Sprengle, Valle and Wineberry.

Absent: Representatives Brough, Doty, Holland, McLean, Padden and Wang.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1732 Prime Sponsor, Representative R. Fisher: Deleting obsolete language from the Revised Code of Washington. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector, Sayan and Silver.

Absent: Representative Morris.

Passed to Committee on Rules for second reading.

February 24, 1989

HB 1768 Prime Sponsor, Representative Todd: Increasing the building permit fee. Reported by Committee on Housing

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 15 strike all material through "city" on line 16 and insert the following:

"(3) There is imposed a fee of ~~((one dollar))~~ four dollars and fifty cents on each building permit issued by a county or a city, plus an additional surcharge of two dollars for each residential unit (but not including the first unit) on each building containing more than one residential unit"

Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Inslee, Rector and Todd.

MINORITY recommendation: Do not pass. Signed by Representatives Ballard and Padden.

Referred to Committee on Appropriations.

February 24, 1989

HB 1776 Prime Sponsor, Representative Hine: Creating a volunteer firefighters' pension administrative fund. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Dorn, Ebersole, Hine, May, Nealey, Peery, Rust, Spanel, Sprengle, Valle and Wineberry.

Absent: Representatives Brough, Doty, Holland, McLean, Padden and Wang.

Passed to Committee on Rules for second reading.

February 27, 1989

HB 1807 Prime Sponsor, Representative Bristow: Requiring juvenile detention facilities to adopt standards for operation by 1990. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Brekke, Hargrove, Leonard, Padden, Raiter and Winsley.

Absent: Representative Anderson.

Passed to Committee on Rules for second reading.

February 24, 1989

HB 1823 Prime Sponsor, Representative Nutley: Modifying building permit requirements. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Ballard, Inslee, Padden, Rector and Todd.

Passed to Committee on Rules for second reading.

February 24, 1989

HB 1828 Prime Sponsor, Representative Phillips: Prescribing financial responsibility for vessels that spill oil. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprengle, Van Luven and Walker.

Absent: Representative Valle, Vice Chair.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1851 Prime Sponsor, Representative Haugen: Authorizing commercial harvesting in emerging fisheries. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Haugen, Smith, Spanel and Vekich.

Passed to Committee on Rules for second reading.

February 24, 1989

HB 1882 Prime Sponsor, Representative Rayburn: Authorizing irrigation districts to utilize public utility easements. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 24 after "easements," insert "When utilizing or proposing to utilize a public utility easement, an irrigation district shall submit project plans and coordinate activities with appropriate utilities."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Doty, Grant, Jesernig, McLean, H. Myers, Rasmussen and Youngsman.

Absent: Representatives Kremen, Vice Chair; and Chandler.

Passed to Committee on Rules for second reading.

February 24, 1989

HB 1891 Prime Sponsor, Representative Belcher: Establishing procedures for private moorage facilities which parallel port districts. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Ferguson, R. Fisher, Hargrove, Raiter and Sayan.

Absent: Representatives Dellwo, Fuhrman and Hargrove.

Passed to Committee on Rules for second reading.

February 24, 1989

HB 1892 Prime Sponsor, Representative Nutley: Requiring disclosures on real estate contracts. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Ballard, Inslee, Rector and Todd.

MINORITY recommendation: Without recommendation. Signed by Representative Padden.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1910 Prime Sponsor, Representative R. Fisher: Providing limitations on campaign contributions, voluntary limitations on campaign spending and partial public financing of campaigns. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; R. King, Morris, O'Brien, Rector and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Hankins and Silver.

Absent: Representative R. King.

Referred to Committee on Revenue.

February 28, 1989

HB 1912 Prime Sponsor, Representative Bowman: Authorizing a juvenile court administrator to fingerprint juvenile offenders under certain conditions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives P. King and Locke.

Passed to Committee on Rules for second reading.

February 27, 1989

HB 1918 Prime Sponsor, Representative Doty: Establishing the summer motivation and academic training program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 18 after "education," strike "and"

On page 2, line 18 after "vocational education" insert "the department of social and health services, and other appropriate agencies"

Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Inslee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Referred to Committee on Appropriations.

February 24, 1989

HB 1939 Prime Sponsor, Representative Haugen: Allowing advertising in department of fisheries' publications. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; Bowman, Brooks, Cole, Haugen, Smith and Spanel.

Voting nay: Representative S. Wilson, Ranking Republican Member.

Absent: Representatives Basich and Vekich.

Passed to Committee on Rules for second reading.

February 24, 1989

HB 1941 Prime Sponsor, Representative Sprenkle: Prohibiting use of tobacco products in health care facilities. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprengle, Van Luven and Walker.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1950 Prime Sponsor, Representative Valle: Investigating diesel-powered vehicle emission issues. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprengle, Van Luven and Walker.

Absent: Representative Valle, Vice Chair.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1993 Prime Sponsor, Representative Rasmussen: Specifying labeling requirements for uncooked poultry. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Chandler, Grant, Jesernig, McLean, H. Myers, Rasmussen and Youngsman.

Absent: Representative Doty.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 2003 Prime Sponsor, Representative Rayburn: Revising a provision on meat labeling. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Chandler, Grant, Jesernig, McLean, H. Myers and Rasmussen.

Absent: Representative Doty.

Passed to Committee on Rules for second reading.

February 24, 1989

HB 2007 Prime Sponsor, Representative R. Fisher: Revising provisions on water resource policy. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Ferguson, R. Fisher, Hargrove, Raiter and Sayan.

Absent: Representatives Dellwo and Fuhrman.

Passed to Committee on Rules for second reading.

February 27, 1989

HB 2011 Prime Sponsor, Representative R. King: Changing provisions regulating commercial fishing licenses. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. King, Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Haugen, Smith and Spanel.

Absent: Representatives Morris, Vice Chair; and Vekich.

Referred to Committee on Revenue.

February 27, 1989

HB 2044 Prime Sponsor, Representative Winsley: Establishing a pilot program of grants to elementary schools for school counselors and intervention specialists. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betrozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Holland, Horn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

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

Absent: Representative P. King.

Referred to Committee on Appropriations.

February 27, 1989

HB 2045 Prime Sponsor, Representative Prince: Revising mileage-based special fuel tax computation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betrozoff, Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Haugen, Heavey, Jones, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representatives Hankins and Todd.

Passed to Committee on Rules for second reading.

February 27, 1989

HB 2065 Prime Sponsor, Representative R. Meyers: Exempting state and county ferry fuel sales and use tax. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betrozoff, Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representatives Hankins and Todd.

Referred to Committee on Revenue.

February 27, 1989

HB 2098 Prime Sponsor, Representative Walk: Modifying provisions for computing county road costs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betrozoff, Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representatives Hankins, Haugen, Smith and Todd.

Passed to Committee on Rules for second reading.

February 24, 1989

HB 2110 Prime Sponsor, Representative Appelwick: Reducing elected officials' contributions to the teachers' retirement system to six percent. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Dorn, Ebersole, Hine, Nealey, Peery, Sayan, Spanel, Sprengle, Valle and Wineberry.

Absent: Representatives Brough, Doty, Holland, McLean, Padden and Wang.

Passed to Committee on Rules for second reading.

February 27, 1989

HB 2161 Prime Sponsor, Representative Jacobsen: Amending the distinguished professorship trust program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Inslee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Absent: Representatives Spanel, Vice Chair; and Basich.

Passed to Committee on Rules for second reading.

February 28, 1989

HJM 4014 Prime Sponsor, Representative Valle: Petitioning Congress to examine safety issues and boat construction regarding marine transportation of oil. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Phillips, Pruitt, Schoon, Sprengle, Van Luven and Walker.

Absent: Representatives Valle, Vice Chair; Fraser and Van Luven.

Passed to Committee on Rules for second reading.

February 27, 1989

HJM 4015 Prime Sponsor, Representative Prince: Regarding student loans. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Inslee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

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

Absent: Representatives Spanel, Vice Chair; Basich and Doty.

Passed to Committee on Rules for second reading.

February 27, 1989

HJR 4208 Prime Sponsor, Representative Betrozoff: Permitting school levies for operation and maintenance to be for a four-year period. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betrozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representatives Cole and P. King.

Passed to Committee on Rules for second reading.

February 27, 1989

HJR 4210 Prime Sponsor, Representative H. Sommers: Authorizing school districts to modify tax levies for enhancement of education when authorized by the legislature. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betrozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Holland, Jones, Phillips, Rayburn, Valle and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Horn, Schoon and Walker.

Absent: Representatives P. King and Pruitt.

Referred to Committee on Appropriations.

MOTION

On motion of Mr. Heavey, the bills, memorials and resolutions listed on today's committee reports under the fifth order of business were referred to the committees so designated.

Representative Bristow appeared at the bar of the House.

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

SECOND READING

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced that the House would begin consideration of House Bills on the suspension calendar.

HOUSE BILL NO. 1224, by Representatives R. Fisher, McLean, Anderson and Miller; by request of Secretary of State

Simplifying filing procedures for elections to fill short and full terms.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives R. Fisher and McLean spoke in favor of the motion and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1224.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1224, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Locke - 1.

House Bill No. 1224, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Locke appeared at the bar of the House.

HOUSE BILL NO. 1225, by Representatives R. Fisher, McLean, Anderson, Wang, Miller and Ebersole; by request of Secretary of State

Clarifying the declaration of candidacy for precinct committee officer.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives R. Fisher and McLean spoke in favor of the motion and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1225.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1225, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn,

Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease until 11:10 a.m.

The Speaker called the House to order at 11:19 a.m.

SPEAKER'S PRIVILEGE

The Speaker introduced to the members of the House of Representatives Dairy Princess Keri Smalley, Second Alternate Dairy Princess Kristie Felt, and the 1988-89 Dairy Family of the Year, Mr. and Mrs. Bill Visser of Sumas, their son Arlyn, his wife Sheila and their children Jana, Josh, Lane and Brant. Princess Keri briefly addressed the members of the House.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced that the House would immediately resume consideration of Substitute House Bill No. 1251 on the regular second reading calendar. (See Journal, 50th Day, February 27, 1989 for prior action.)

SUBSTITUTE HOUSE BILL NO. 1251, by Committee on Local Government (originally sponsored by Representatives Nutley, Zellinsky, Ferguson, Haugen, Cooper, Phillips, Raiter and Rayburn)

Changing provisions relating to municipal annexations.

Ms. K. Wilson moved adoption of the following amendments:

On page 4, beginning on line 1, strike all of section 4, and renumber the following sections accordingly

On page 7, beginning on line 30, strike all of section 7, and renumber the following sections accordingly

Representatives K. Wilson, Sprenkle and Padden spoke in favor of adoption of the amendments, and Representatives Nutley and Haugen opposed them.

The Speaker stated the question before the House to be the adoption of the amendments by Ms. K. Wilson to Substitute House Bill No. 1251.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 31; Nays - 66. The amendments were not adopted.

POINT OF INFORMATION

Mr. Padden: Thank you, Mr. Speaker. Is that the method then that you will use in the future, where the total and the lights for each person were there, but were not recorded? We had a vote the other day when the lights did not go on by the individuals' names; we just had a total.

SPEAKER'S REPLY

The Speaker: I'm glad you raised the question, Representative Padden. The lights will be on. It would be as a division, as if we had raised our hands or divided by standing. The lights will be on and you will be able to tell, by looking at the board, how your neighbor voted.

Ms. K. Wilson moved adoption of the following amendments:

On page 4, line 12, beginning with "a" strike all the material down to and including "in" on line 20, and insert "in"

On page 8, line 28, beginning with ":", PROVIDED strike all the material down to and including "petitioned" on line 20

Ms. K. Wilson spoke in favor of adoption of the amendments, and Ms. Nutley opposed them.

Ms. K. Wilson demanded an electric roll call vote, and the demand was not sustained.

The amendments were not adopted.

Ms. K. Wilson moved adoption of the following amendments:

On page 4, line 15, beginning with "not" strike all the material down to and including "state," on line 17

On page 8, line 31, beginning with "not" strike all the material down to and including "state," on line 33

On motion of Ms. K. Wilson, the amendments were withdrawn.

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

Representatives Nutley, Ferguson and Haugen spoke in favor of passage of the bill, and Representatives Sprenkle, K. Wilson and Padden opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1251, and the bill passed the House by the following vote: Yeas, 72; nays, 26.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Hankins, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jones, King P, King R, Leonard, Locke, May, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Sommers D, Sommers H, Spanel, Todd, Valle, Vekich, Walker, Wang, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 72.

Voting nay: Representatives Ballard, Beck, Bristow, Chandler, Cole, Dorn, Fuhrman, Grant, Hargrove, Jesernig, Kremen, McLean, Meyers R, Padden, Patrick, Rasmussen, Rust, Silver, Smith, Sprenkle, Tate, Van Luven, Walk, Wilson K, Wilson S, Wolfe - 26.

Substitute House Bill No. 1251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1788 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1788, by Representatives Wang, Brough, Ebersole, Walker, Walk, Tate, R. Fisher, Winsley, Locke, Dorn, R. Meyers, Dellwo, Pruitt, Belcher, Crane, Rasmussen and Schoon; by request of Department of Community Development

Settling Puyallup tribe of Indians claims.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 1788 was substituted for House Bill No. 1788, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1788 was read the second time.

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

Representatives Wang, Brough, Locke, Tate and Ebersole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1788, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt,

Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1788, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPEAKER'S PRIVILEGE

The Speaker congratulated Representative and Mrs. Paul King on the birth of their daughter, Ashley King.

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

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

MOTIONS

On motion of Mr. Ebersole, House Bill No. 1334 was referred from the suspension calendar to Committee on Rules.

On motion of Mr. Ebersole, House Bill No. 1406 was referred from Committee on Appropriations to Committee on Rules.

On motion of Mr. Ebersole, House Bill No. 1504 was referred from Committee on Appropriations to Committee on Rules.

On motion of Mr. Ebersole, House Bill No. 1575 was referred from Committee on Appropriations to Committee on Revenue.

On motion of Mr. Ebersole, House Bill No. 1668 was referred from Committee on Appropriations to Committee on Rules.

On motion of Mr. Ebersole, House Bill No. 1844 was referred from Committee on Appropriations to Committee on Rules.

On motion of Mr. Ebersole, House Bill No. 2057 was referred from Committees on Human Services/Appropriations to Committee on Appropriations.

On motion of Mr. Ebersole, House Joint Resolution No. 4208 was referred from Committee on Rules to Committee on Revenue.

On motion of Mr. Ebersole, House Joint Resolution No. 4210 was referred from Committee on Appropriations to Committee on Revenue.

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

The Speaker (Mr. Cooper presiding) called the House to order.

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

REPORTS OF STANDING COMMITTEES

February 24, 1989

HB 1011 Prime Sponsor, Representative P. King: Creating an additional judicial position in Snohomish county. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Dorn, Ebersole, Ferguson, Hine, May, Nealey, Peery, Rust, Sayan, Spanel, Sprenkle, Valle and Wineberry.

Absent: Representatives Brough, Doty, Ferguson, Holland, McLean, Padden and Wang.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1031 Prime Sponsor, Representative Fuhrman: Making changes to state budget requests. Reported by Committee on Capital Facilities & Financing

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

Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Beck, Betzoff, Bowman, Braddock, Bristow, Fraser, Jacobsen, Peery, Wang and Winsley.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1037 Prime Sponsor, Representative Haugen: Creating the marine fish enhancement research program. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Smith, Spanel and Vekich.

MINORITY recommendation: Without recommendation. Signed by Representative Haugen.

Referred to Committee on Appropriations.

February 28, 1989

HB 1068 Prime Sponsor, Representative Dellwo: Regulating automobile rental liability. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dellwo, Chair; Anderson, Baugher, Crane, Inslee, Nutley, Schmidt and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Republican Member; Beck, Day and Dorn.

Voting nay: Representatives Chandler, Ranking Republican Member; Beck, Day, Dorn and Winsley.

Absent: Representatives Zellinsky, Vice Chair; and P. King.

Passed to Committee on Rules for second reading.

February 27, 1989

HB 1073 Prime Sponsor, Representative Vekich: Extending industrial welfare laws for agricultural labor. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with amendments by Committee on Commerce and Labor. (For committee amendments, see Journal, 26th Day, February 3, 1989.) Signed by Representatives Locke, Chair; Grant, Vice Chair; Appelwick, Belcher, Brekke, Dorn, Ebersole, Hine, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Bowman, Doty, Ferguson, May, McLean and Nealey.

Voting nay: Representatives Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Bowman, Braddock, Doty, Ferguson, May, McLean, Nealey and Padden.

Absent: Representatives H. Sommers, Vice Chair; Bristow, Brough and Holland.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1074 Prime Sponsor, Representative Haugen: Requiring health insurance to cover mammograms. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dellwo, Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Crane, Day, Dorn, Inslee, Nutley, K. Wilson and Winsley.

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

Absent: Representatives Zellinsky, Vice Chair; and P. King.

Referred to Committee on Appropriations.

February 27, 1989

HB 1123 Prime Sponsor, Representative Rust: Regulating chlorofluorocarbons, and other ozone-depleting chemicals. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environmental Affairs be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; Appelwick, Belcher, Braddock, Brekke, Bristow, Dorn, Ebersole, Ferguson, Hine, May, Peery, Rust, Sayan, Spanel, Sprengle, Valle and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Bowman, Doty, McLean, Nealey and Padden.

Absent: Representatives H. Sommers, Vice Chair; Brough, Holland and Wineberry.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1127 Prime Sponsor, Representative Valle: Requiring posting of liquor license applications and reapplications. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 24, 1989

HB 1136 Prime Sponsor, Representative R. Meyers: Creating superior court judge positions in Pierce county. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Dorn, Ebersole, Ferguson, Hine, May, Nealey, Peery, Rust, Sayan, Spanel, Sprengle, Valle and Wineberry.

Absent: Representatives Brough, Doty, Ferguson, Holland, McLean, Padden and Wang.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1146 Prime Sponsor, Representative Padden: Requiring a special verdict in cases alleging self defense. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Voting nay: Representative Belcher.

Absent: Representative Brough.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1165 Prime Sponsor, Representative O'Brien: Establishing a temporary commission of public ports. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Raiter, Rector, Schoon, Tate, Walk and Youngsman.

Absent: Representative Kremen.

Referred to Committee on Appropriations.

March 1, 1989

HB 1179 Prime Sponsor, Representative Crane: Regarding criminal mental defenses. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers and Tate.

MINORITY recommendation: Do not pass. Signed by Representatives Belcher, Locke and Wineberry.

Voting nay: Representatives Belcher, Brough, Locke and Wineberry.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1223 Prime Sponsor, Representative R. Fisher: Removing the secretary of state from filing of interlocal cooperation agreements. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, Rector, Sayan and Silver.

Absent: Representative Silver.

Passed to Committee on Rules for second reading.

February 27, 1989

HB 1227 Prime Sponsor, Representative Nelson: Furthering the state hydropower plan. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Dorn, Ebersole, Hine, May, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Doty, Ferguson, Nealey, McLean and Padden.

Absent: Representatives H. Sommers, Vice Chair; Brough and Holland.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1237 Prime Sponsor, Representative Appelwick: Changing allowable fees charged by clerks of the superior court. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Belcher, Brough, Dellwo, Hargrove, Inslee, Locke, H. Myers and Scott.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Ranking Republican Member; Inslee, P. King, R. Meyers, Moyer, Patrick, Schmidt, D. Sommers and Tate.

Voting nay: Representatives Padden, Ranking Republican Member; P. King, R. Meyers, Moyer, Patrick, Schmidt, D. Sommers and Tate.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1326 Prime Sponsor, Representative Bristow: Revising provisions for local funding requirements for school construction projects. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Beck, Betzoff, Bowman, Braddock, Bristow, Fraser, Jacobsen, Peery, Wang and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1329 Prime Sponsor, Representative Ferguson: Providing money for maintenance and construction of local infrastructure. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representatives Nealey and Phillips.

Referred to Committee on Revenue.

February 28, 1989

HB 1366 Prime Sponsor, Representative Haugen: Requiring that booth renting cosmetologists get shop licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Jones, R. King, Leonard, O'Brien, Prentice, Smith and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Ranking Republican Member and Wolfe.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1375 Prime Sponsor, Representative Kremen: Requiring certification of electric spa equipment. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1392 Prime Sponsor, Representative Rust: Enacting the wetland management act of 1989. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Raiter and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman and Hargrove.

Referred to Committee on Appropriations.

March 1, 1989

HB 1414 Prime Sponsor, Representative P. King: Establishing a judicial information system fund. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1415 Prime Sponsor, Representative Jacobsen: Revising provisions for tuition fees. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Inslee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Absent: Representatives Van Luven, Ranking Republican Member; Heavey and Jesernig.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1423 Prime Sponsor, Representative Day: Authorizing the creation of local seed capital pools. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendment:
On page 3, line 32, after "than" strike "three" and insert "seven"

Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Raiter, Rector, Tate, Walk and Youngsman.

Absent: Representative Schoon.

Passed to Committee on Rules for second reading.

February 27, 1989

HB 1430 Prime Sponsor, Representative Jacobsen: Requiring gender equality in higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Inslee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1439 Prime Sponsor, Representative Todd: Allowing suspension of student with deadly weapon. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 15 after "weapon" insert "or dangerous weapon"

On page 2, line 25 after "gas," insert "For the purposes of this section, a dangerous weapon includes those weapons identified in RCW 9A1.250; and devices commonly known as 'nunchu-ka sticks' consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope or other means; a device known as 'throwing stars,' which are multi-pointed, metal objects designed to embed upon impact from any aspect; or any air gun, including any air pistol or air rifle, designed to propel a BB pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas."

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, Phillips, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Voting nay: Representative Pruitt.

Absent: Representatives P. King and Rasmussen.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1455 Prime Sponsor, Representative Appelwick: Authorizing local elections in single district courts with multiple courtrooms. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers and Tate.

Absent: Representatives P. King and Locke.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1475 Prime Sponsor, Representative Winsley: Establishing the measure of damages for a motor vehicle. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers and Tate.

Absent: Representatives P. King and Locke.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1483 Prime Sponsor, Representative Appelwick: Providing for county land use controls and environmental review on new developments at major airports in unincorporated areas. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1502 Prime Sponsor, Representative Walk: Adjusting vehicle permit fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 5, line 30 after "appoint" strike "county auditors or businesses as"

On page 5, line 32 after "tolerance permits," strike "County auditors or business" and insert "Agents"

On page 5, line 33 after "retain" strike "two" and insert "three"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Haugen, Heavey, Jones, Kremen, Nelson, Prentice, Prince, Smith, Todd and S. Wilson.

Absent: Representatives Hankins, Kremen, Patrick and Zellinsky.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1515 Prime Sponsor, Representative Vekich: Reenacting and amending provisions for asbestos projects. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Referred to Committee on Appropriations.

March 1, 1989

HB 1547 Prime Sponsor, Representative Schmidt: Providing for medical support enforcement. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1548 Prime Sponsor, Representative H. Myers: Changing requirements for establishing paternity. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1557 Prime Sponsor, Representative Vekich: Providing for state employee collective bargaining. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard and Prentice.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Walker and Wolfe.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1564 Prime Sponsor, Representative Dorn: Authorizing marine facility fees under certain conditions. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 6, strike "Public" and insert "Recreational public"

Signed by Representatives Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nutley, Phillips, Todd, Wolfe, and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Haugen, Chair; Nelson, Raiter, Rayburn and Zellinsky.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1565 Prime Sponsor, Representative Locke: Relating to family relationships presumed to be valid for immigrants. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representative P. King.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1570 Prime Sponsor, Representative R. Fisher: Changing election procedures in optional code cities. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector, Sayan and Silver.

Absent: Representatives O'Brien and Silver.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1571 Prime Sponsor, Representative R. Fisher: Changing the procedure for filling port district vacancies. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector, Sayan and Silver.

Absent: Representatives O'Brien and Silver.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1577 Prime Sponsor, Representative R. Fisher: Establishing liability for state trust funds. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector, Sayan and Silver.

Absent: Representative R. King.

Referred to Committee on Appropriations.

February 28, 1989

HB 1578 Prime Sponsor, Representative R. Fisher: Allowing write-offs of uncollectible accounts. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

On page 4, after line 4 insert the following:

"NEW SECTION. Sec. 6. Each agency shall report annually to the office of financial management information regarding each receivable written off. These agency reports shall include the name of the individual or entity that owes the money, the amount written off, and the reason for the write-off."

Re-number the remaining section consecutively.

On page 1, line 2 of the title after "43.20B.030;" insert "creating a new section."

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector, Sayan and Silver.

Absent: Representative R. King.

Referred to Committee on Appropriations.

February 28, 1989

HB 1579 Prime Sponsor, Representative R. Fisher: Allowing state agencies to charge interest on debts. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 6, after "follows:" strike everything through "cost-effective." on line 19, and insert the following:

"Interest at the rate of one percent per month, or fraction thereof, shall accrue on debts owed to the state, starting on the date the debts are to be paid. This section does not apply to (1) any instance where such interest rate would conflict with the provisions of a contract or with

the provisions of any other law, or (2) debts to be paid by other governmental units. The office of financial management may adopt rules specifying circumstances under which state agencies may waive interest, such as when assessment or collection of interest would not be cost-effective. This section applies only to debts which become due on or after the effective date of this act."

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector, Sayan and Silver.

Absent: Representative R. King.

Referred to Committee on Appropriations.

February 28, 1989

HB 1580 Prime Sponsor, Representative R. Fisher: Authorizing state agencies to report past due accounts receivable to credit reporting agencies. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after line 9 insert the following:

"NEW SECTION. Sec. 2. The office of financial management shall examine the potential of devising a central debtor identification system containing the names of persons owing substantial amounts to the state, together with the amounts owed, and providing for the automatic identification of such persons prior to the making of any state payment to them. The examination shall include the estimated costs and benefits of such a system."

On page 1, line 2 of the title after "agencies;" strike the remainder of the line and insert "adding a new section to chapter 43.88 RCW; and creating a new section."

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector, Sayan and Silver.

Absent: Representative R. King.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1608 Prime Sponsor, Representative Walk: Modifying the regulation of oculists. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Cantwell, Chandler, Morris, Prentice, Sommers, Vekich and Wolfe.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1619 Prime Sponsor, Representative Brekke: Revising treatment of alcoholism and other drug addiction. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Anderson, Brekke, Hargrove, Leonard, Raiter and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; and Padden.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1621 Prime Sponsor, Representative Belcher: Adding an additional factor of past, present, and future earning capacity into the spousal maintenance determination. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslie, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers and Tate

Absent: Representatives P. King, Locke and Wineberry.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1635 Prime Sponsor, Representative Brough: Making changes to support enforcement provisions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Brough, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Scott, D. Sommers and Tate.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Ranking Republican Member; Belcher, Dellwo, Schmidt and Wineberry.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1641 Prime Sponsor, Representative Leonard: Limiting child visitation in abuse situations. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1643 Prime Sponsor, Representative Appelwick: Changing provisions relating to prejudgment interest. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, R. Meyers, H. Myers, Schmidt, Scott and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Moyer, Patrick, D. Sommers and Tate.

Absent: Representative P. King.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1651 Prime Sponsor, Representative Baugher: Authorizing counties, cities, and towns to elect to participate in state-wide flood plain management. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representative Nealey.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1656 Prime Sponsor, Representative Crane: Changing land development regulations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives P. King and Locke.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1658 Prime Sponsor, Representative Hargrove: Modifying the term minor to mean anyone under the age of eighteen for purpose of the sexual exploitation of children statute. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Voting nay: Representative Locke.

Absent: Representative P. King.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1660 Prime Sponsor, Representative Hargrove: Describing what materials and acts are considered pornographic and harmful to minors. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representative P. King.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1671 Prime Sponsor, Representative Sprenkle: Providing major solid waste reform. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Sprenkle and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives D. Sommers, Ranking Republican Member and Van Luvan.

Absent: Representative Schoon.

Referred to Committee on Appropriations.

March 1, 1989

HB 1700 Prime Sponsor, Representative Leonard: Allowing distribution of drug samples. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprenkle, Vekich and Wolfe.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1701 Prime Sponsor, Representative Leonard: Allowing choice of pharmacies. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprenkle and Wolfe.

Absent: Representative Vekich.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1713 Prime Sponsor, Representative R. King: Revising provisions for industrial insurance dividends and premium refunds. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Absent: Representatives R. King, Leonard, Smith and Walker.

Referred to Committee on Appropriations.

March 1, 1989

HB 1728 Prime Sponsor, Representative Rector: Exempting certain dependents from residency requirements. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:

On page 1, after line 29, insert a new paragraph to read as follows:

"(6) Any dependent of a member of the United States congress representing the state of Washington."

Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Inslee, Miller, H. Myers, Prince, Rector and Wood.

Absent: Representatives Heavey and Jesernig.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1746 Prime Sponsor, Representative Locke: Prohibiting discrimination in real estate transactions because of parental status. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Ballard, Inslee, Padden, Rector and Todd.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1771 Prime Sponsor, Representative Fraser: Changing the fee on applications for current use classifications. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representative Raiter.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1794 Prime Sponsor, Representative H. Sommers: Modifying the state's ability to enter into contracts for the purchase of real or personal property. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: Do pass with the following amendment:

On page 4, following line 18 insert:

"(4) The state may not enter into any financing contract for real property without prior approval of the legislature."

Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Beck, Betrozoff, Bowman, Braddock, Fraser, Jacobsen, Peery, Wang and Winsley.

Absent: Representative Bristow.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1799 Prime Sponsor, Representative Cooper: Modifying the requirements and procedures for platting real property. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1802 Prime Sponsor, Representative P. King: Creating a new court of appeals position for Snohomish county. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives P. King and Locke.

Referred to Committee on Appropriations.

February 28, 1989

HB 1812 Prime Sponsor, Representative Locke: Authorizing counties, cities, and towns to require relocation for low-income tenants. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Rector and Todd.

MINORITY recommendation: Do not pass. Signed by Representatives Ballard, Inslee and Padden.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1816 Prime Sponsor, Representative H. Sommers: Changing provisions for sureties for public works bonds. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Beck, Betzoff, Bowman, Braddock, Bristow, Fraser, Jacobsen, Peery, Wang and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1820 Prime Sponsor, Representative Spanel: Authorizing a ballot proposition to increase the number of port commissioners. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 7, after "district" insert ", that has a population of one hundred thousand or more."

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Todd, Wood and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Raiter, Rayburn and Wolfe.

Absent: Representatives Cooper, Vice Chair; Nelson and Todd.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1834 Prime Sponsor, Representative Cooper: Regulating county bidding procedures. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1841 Prime Sponsor, Representative Peery: Establishing criteria for composing the instructional materials committee. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 10 after "selection" insert "or deletion"

On page 1, line 27 after "children" strike ", and" and insert "The committee may include"

On page 1, line 28 strike "one-third" and insert "one-half"

On page 2, line 6 after "(f)" strike all material through "(g)" on line 17

On page 2, line 24 after "Approval" insert "or disapproval"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representative P. King.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1850 Prime Sponsor, Representative Wolfe: Providing immunity from civil liability for volunteer physicians. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Crane, Vice Chair; Padden, Ranking Republican Member; Brough, Hargrove, Moyer, Patrick, Schmidt, Scott, D. Sommers and Tate.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Chair; Belcher, Dellwo, Inslee, Locke, R. Meyers and Wineberry.

Voting nay: Representatives Appelwick, Chair; Belcher, Dellwo, Inslee, P. King, Locke, R. Meyers and Wineberry.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1857 Prime Sponsor, Representative Rasmussen: Regulating public water systems. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Gallagher, Jacobsen, Jesernig, May, R. Meyers, H. Myers and S. Wilson.

Absent: Representatives Cooper and Miller.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1864 Prime Sponsor, Representative Day: Concerning quality of care in nursing homes. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprenkle, Vekich and Wolfe.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1865 Prime Sponsor, Representative Brough: Limiting class size in grades kindergarten through three. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 5 after "district" strike all material through "any" on line 6 and insert "or a"

On page 2, line 6 after "district" strike "that"

On page 2, line 7 strike "twenty-five" and insert "twenty-three"

On page 2, line 9 after "section" strike ": PROVIDED FURTHER, That for" and insert "(PROVIDED, That for)" for the 1989-90 and the 1990-91 school year: PROVIDED, That for each year, beginning in the 1991-92 school year, in which funding is allocated for one additional certificated instructional staff for every one thousand full time equivalent students in grades kindergarten through three, whether by statute or in the appropriations act, the number of students per classroom which shall meet compliance requirements by establishing the number of students per classroom teacher in grades kindergarten through three shall be decreased by one student per classroom teacher. For"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representatives P. King, Rasmussen and Schoon.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1872 Prime Sponsor, Representative Heavey: Allowing counties, cities and towns to regulate hitchhiking in some situations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair, Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Prentice, Prince, Smith, D. Sommers, Todd, Walker and S. Wilson.

Absent: Representatives Hankins, Kremen, Patrick, Todd and Zellinsky.

Passed to Committee on Rules for second reading.

February 27, 1989

HB 1876 Prime Sponsor, Representative Bristow: Establishing a community mental health program. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Brekke, Hargrove, Leonard, Padden, Raiter and Winsley.

Absent: Representative Anderson.

Referred to Committee on Appropriations.

February 28, 1989

HB 1880 Prime Sponsor, Representative Rayburn: Requiring certain record keeping and safety procedures for pesticide use. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Chandler, Grant, Jesernig, McLean, H. Myers, Rasmussen and Youngsman.

Absent: Representative Doty.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1883 Prime Sponsor, Representative Spanel: Requiring the department of ecology to adopt guidelines to be used by local governments in the regulation of aquaculture. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Vice Chair; S. Wilson, Ranking Republican Member; Brooks, Haugen, Smith, Spanel and Vekich.

MINORITY recommendation: Do not pass. Signed by Representatives R. King, Chair; and Bowman.

Voting nay: Representatives R. King, Chair; Basich and Bowman.

Referred to Committee on Appropriations.

February 28, 1989

HB 1889 Prime Sponsor, Representative Appelwick: Providing immunity for certain public employees. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representative P. King.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1893 Prime Sponsor, Representative Todd: Changing the authority of the building code council. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Ballard, Inslee, Padden, Rector and Todd.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1894 Prime Sponsor, Representative Braddock: Making technical changes in dental hygiene and dentistry. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprengle, Vekich and Wolfe.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1896 Prime Sponsor, Representative Vekich: Providing for an interim permit for applicants for a physical therapist license. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Vekich and Wolfe.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1903 Prime Sponsor, Representative Appelwick: Changing provisions relating to civil liability. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Inslee, Locke, R. Meyers, H. Myers and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Brough, Hargrove, Moyer, Patrick, Schmidt, Scott, D. Sommers and Tate.

Absent: Representative P. King.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1909 Prime Sponsor, Representative Horn: Authorizing local government to file abandoned intangible property records in archives after five years and transfer the property to its general fund. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 11, strike "general" and insert "current expense"

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1911 Prime Sponsor, Representative Cooper: Revising and adding provisions on special districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1917 Prime Sponsor, Representative O'Brien: Establishing a certified real estate appraiser law. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 15, line 7 after "sum of" strike ".....;" and insert "four hundred fifty thousand dollars"

On page 15, line 7 after "act." insert "The amount spent shall be repaid to the general fund from fees imposed as a result of this act prior to the end of the biennium ending June 30, 1993."

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Walker and Wolfe.

Absent: Representatives R. King and and Smith.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1929 Prime Sponsor, Representative Pruitt: Defining the terms "lobby" and "lobbying" for the purposes of the public disclosure law. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

On page 9, after line 16, insert the following:

*Sec. 4, Section 20, chapter 1, Laws of 1973 as amended by section 10, chapter 367, Laws of 1985 and RCW 42.17.200 are each amended to read as follows:

(1) Any person who has made expenditures, not reported (~~under other sections of this chapter~~) by a registered lobbyist under RCW 42.17.170 or by a candidate or political committee under RCW 42.17.065 or 42.17.080, exceeding five hundred dollars in the aggregate within any three-month period or exceeding two hundred dollars in the aggregate within any one-month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation shall be required to register and report, as provided in subsection (2) of this section, as a sponsor of a grass roots lobbying campaign. With respect to expenditures by a public utility, the word "public" also includes any large portion of the subscribers to the services of the public utility.

(2) Within thirty days after becoming a sponsor of a grass roots lobbying campaign, the sponsor shall register by filing with the commission a registration statement, in such detail as the commission shall prescribe, showing:

(a) The sponsor's name, address, and business or occupation, and, if the sponsor is not an individual, the names, addresses, and titles of the controlling persons responsible for managing the sponsor's affairs;

(b) The names, addresses, and business or occupation of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons;

(c) The names and addresses of each person contributing twenty-five dollars or more to the campaign, and the aggregate amount contributed;

(d) The purpose of the campaign, including the specific legislation, rules, rates, standards, or proposals that are the subject matter of the campaign;

(e) The totals of all expenditures made or incurred to date on behalf of the campaign, which totals shall be segregated according to financial category, including but not limited to the following: Advertising, segregated by media, and in the case of large expenditures (as provided by rule of the commission), by outlet; contributions; entertainment, including food and refreshments; office expenses including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying campaign activities; consultants; and printing and mailing expenses.

(3) Every sponsor who has registered under this section shall file monthly reports with the commission, which reports shall be filed by the tenth day of the month for the activity during the preceding month. The reports shall update the information contained in the sponsor's registration statement and in prior reports and shall show contributions received and totals of expenditures made during the month, in the same manner as provided for in the registration statement.

(4) When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report, which notice shall state the totals of all contributions and expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement.

(5) The provisions of this section do not apply to the communications between an association or other organization and the members of that association or organization.

On page 1, line 2 of the title, strike "and 42.17.180" and insert "42.17.180, and 42.17.200"

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; R. King, Morris, O'Brien, Rector and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Hankins and Silver.

Absent: Representative R. King.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1935 Prime Sponsor, Representative Grant: Providing funding for the housing trust fund from the state sales tax on lodging. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Ballard, Inslee, Rector and Todd.

MINORITY recommendation: Without recommendation. Signed by Representative Padden.

Referred to Committee on Revenue.

February 28, 1989

HB 1942 Prime Sponsor, Representative Sprenkle: Establishing the workplace clean air act. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprenkle, Van Luven and Walker.

Absent: Representative Valle, Vice Chair.

Passed to Committee on Rules for second reading.

February 27, 1989

HB 1949 Prime Sponsor, Representative Rayburn: Providing funding for an enhanced program of counseling and instruction regarding agricultural operations. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Inslee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Absent: Representative Basich.

Referred to Committee on Appropriations.

February 28, 1989

HB 1952 Prime Sponsor, Representative Braddock: Clarifying the durable power of attorney statute. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Belcher, Brough, Dellwo, Inslee, Locke, R. Meyers, H. Myers, Schmidt, Scott and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Ranking Republican Member; Hargrove, Moyer, Patrick, D. Sommers and Tate.

Absent: Representative P. King.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1958 Prime Sponsor, Representative R. Fisher: Specifying chiropractic board membership requirements and clarifying the duties of board members. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, Rector, Sayan and Silver.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1964 Prime Sponsor, Representative Prentice: Substituting the term health care facility for nursing home in the nursing assistant's act. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair, Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprenkle and Wolfe.

Absent: Representative Vekich.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1965 Prime Sponsor, Representative Hine: Excluding certain types of housing from the boarding home definition. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprenkle and Wolfe.

Absent: Representative Vekich.

Passed to Committee on Rules for second reading.

February 27, 1989

HB 1968 Prime Sponsor, Representative Braddock: Establishing a plan for long-term care services. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Prentice, D. Sommers, Sprenkle, Vekich and Wolfe.

Absent: Representatives Chandler and Morris.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1978 Prime Sponsor, Representative Jacobsen: Revising provisions for application of the state building code. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, Rector and Sayan.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1979 Prime Sponsor, Representative Haugen: Authorizing cities and towns to compel sewer hookups with regard to property outside of city or town boundaries. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wood and Zellinsky.

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

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1983 Prime Sponsor, Representative Appelwick: Revising laws on contempt of court. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Insløe, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives P. King and Locke.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 1984 Prime Sponsor, Representative Hargrove: Requiring the department of natural resources to prepare a timber supply report. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Fuhrman, Hargrove, Raiter and Sayan.

Referred to Committee on Appropriations.

February 28, 1989

HB 1985 Prime Sponsor, Representative Hargrove: Establishing a comprehensive forest resource information system. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Fuhrman, Hargrove, Raiter and Sayan.

Referred to Committee on Appropriations.

March 1, 1989

HB 1995 Prime Sponsor, Representative Nelson: Creating the oil heat commission. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Jacobsen, May, R. Meyers, H. Myers and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Brooks, Cooper, Jesernig and Miller.

Absent: Representative Gallagher.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1996 Prime Sponsor, Representative McLean: Revising voter registration cancellation procedures. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:
On page 2, line 4, after "within" strike "sixty" and insert "(~~sixty~~) forty-five"

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, Rector, Sayan and Silver.

Absent: Representative Silver.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 2000 Prime Sponsor, Representative Rayburn: Establishing fair practice standards for produce handlers and associations. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Chandler, Grant, Jesernig, H. Myers, Rasmussen and Youngsman.

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

Absent: Representative Doty.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2008 Prime Sponsor, Representative R. Fisher: Revising laws on ballots and voting systems. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, Rector, Sayan and Silver.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2013 Prime Sponsor, Representative Ferguson: Specifying when a financing bond issue is to be submitted to voters at a park and recreation district proposal election. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 18 after "election," insert "The ballot proposition or propositions authorizing the imposition of a tax levy or levies, or issuance of general obligation bonds and imposition of tax levies, shall be null and void if the park and recreation district was not authorized to be formed."

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representative Phillips.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2025 Prime Sponsor, Representative Vekich: Providing for a maritime commemorative observance. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, Rector, Sayan and Silver.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2031 Prime Sponsor, Representative Nelson: Setting safety requirements for shellfish divers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representatives O'Brien and Smith.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2033 Prime Sponsor, Representative Todd: Changing the notice requirements for hearings on conditional use permits and variances. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 15 after "property" insert "if it is located in a zoning classification with a minimum permitted lot size for a single family residence of one house per half acre or larger"

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Phillips, Raiter, Todd, Wolfe, Wood and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Nutley and Rayburn.

Absent: Representative Phillips.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2035 Prime Sponsor, Representative R. Fisher: Permitting individuals or voter registration officers to complete applications to register to vote. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, Rector, Sayan and Silver.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2036 Prime Sponsor, Representative Ebersole: Modifying the regulations for metropolitan park districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Horn and Wolfe.

Absent: Representative Nelson.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2037 Prime Sponsor, Representative Raiter: Extending exemptions for Mt. St. Helens recovery operations. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, Rector, Sayan and Silver.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 2051 Prime Sponsor, Representative Locke: Minimizing the involuntary displacement of tenants in federally assisted housing. Reported by Committee on Housing

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 27 insert the following:

"NEW SECTION, Sec. 3. This act shall not apply to the expiration or termination of a housing assistance contract between a public housing agency and an owner of existing housing participating in either the section 8 certificate or voucher program (42 U.S.C. Sec. 1437f)."

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

On page 3, line 1 after "This" strike "section" and insert "act"

On page 3, line 4 after "this" strike "section" and insert "act"

Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Ballard, Inslee, Padden, Rector and Todd.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 2054 Prime Sponsor, Representative Locke: Specifying the conditions which the state must follow prior to the release of involuntarily committed and dangerous individuals. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives P. King and Locke.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2057 Prime Sponsor, Representative Sayan: Providing for senior volunteer services. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Hargrove, Leonard, Padden, Raiter and Winsley.

Referred to Committee on Appropriations.

March 1, 1989

HB 2058 Prime Sponsor, Representative Sayan: Directing a study of the hardwood industry by the University of Washington. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 3, after "resources" insert ", and must place emphasis upon the predominant commercial hardwood species grown in Washington state"

Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Raiter, Rector, Tate, Walk and Youngsman.

Absent: Representative Schoon.

Referred to Committee on Appropriations.

March 1, 1989

HB 2059 Prime Sponsor, Representative Sayan: Creating the Washington hardwoods commission. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 35 after "on" strike "hardwood processors" and insert "harvesters of hardwoods"

On page 4, line 1 after "hardwoods" strike "processed" and insert "harvested"

On page 4, line 3 after "all" strike all material down to and including "production" on line 6 and insert "harvesters of hardwoods"

Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Raiter, Rector, Tate, Walk and Youngsman.

Absent: Representative Schoon.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2068 Prime Sponsor, Representative Sayan: Revising provisions for deposit of moneys from surplus school property. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betrozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representatives P. King, Rasmussen and Schoon.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 2070 Prime Sponsor, Representative Todd: Applying the state building code to buildings or structures moved into a county or city. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Ballard, Inslee, Padden, Rector and Todd.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2071 Prime Sponsor, Representative R. King: Licensing commercial divers and dive tenders and providing health and safety standards for commercial activities on navigable waters. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Jones, R. King, Leonard, Prentice and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Ranking Republican Member; Walker and Wolfe.

Absent: Representatives O'Brien and Smith.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2077 Prime Sponsor, Representative Brooks: Establishing a network for the reporting of cancer cases. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice

Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprengle, Vekich and Wolfe.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2084 Prime Sponsor, Representative Wineberry: Establishing the Washington state commission on African-American affairs within the office of the Governor. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, Rector, Sayan and Silver.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2087 Prime Sponsor, Representative Bristow: Revising and adding provisions on alcoholism and drug abuse programs. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Hargrove, Leonard, Padden, Raiter and Winsley.

Absent: Representative Scott, Vice Chair.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2096 Prime Sponsor, Representative Rector: Promoting state-wide video communications. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, Rector, Sayan and Silver.

Absent: Representative O'Brien.

Referred to Committee on Appropriations.

March 1, 1989

HB 2103 Prime Sponsor, Representative Fraser: Revising provisions for fire fighters. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, Rector, Sayan and Silver.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2104 Prime Sponsor, Representative Fraser: Permitting community college employees to attend other community colleges under the employee tuition waiver program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Insee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Voting nay: Representative Spanel, Vice Chair.

Absent: Representatives Heavey and Jesernig.

Referred to Committee on Appropriations.

March 1, 1989

HB 2108 Prime Sponsor, Representative Appelwick: Regarding custodial interference. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Insee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representative Locke.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 2117 Prime Sponsor, Representative Walk: Requiring household movers to list their utility and transportation permit number in their advertising. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 6 after "advertising" strike ", including by airwave transmissions."

On page 1, line 7 after "shows" strike "or announces"

On page 1, line 8 after "show" strike "or announce"

On page 1, line 10 after "commission." insert "Advertising by radio and television transmission shall not be subject to this subsection if the person selling the advertisement obtains the household goods mover's current permit number from the mover."

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cooper, Day, G. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker and S. Wilson.

Absent: Representatives R. Fisher, Todd, S. Wilson and Zellinsky.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2118 Prime Sponsor, Representative Dorn: Expanding coverage from grade six to grade eight of certification for candidates for grades preschool through grade six certificates. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Vaile, Walker and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Peery, Chair; and Jones.

Absent: Representatives P. King and Rasmussen.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2122 Prime Sponsor, Representative Hargrove: Making changes regarding dependency proceedings. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Hargrove, Leonard, Padden, Raiter and Winsley.

MINORITY recommendation: Without recommendation. Signed by Representative Brekke.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2126 Prime Sponsor, Representative Braddock: Requiring the board of medical examiners to adopt rules regarding surgical assistants. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, D. Sommers, Sprenkle, Vekich and Wolfe.

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

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2129 Prime Sponsor, Representative Locke: Promoting diverse cultures and languages in Washington. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Raiter, Rector, Tate, Walk and Youngsman.

Absent: Representative Schoon.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 2131 Prime Sponsor, Representative Nutley: Making additional requirements for mobile home electrical inspections. Reported by Committee on Housing

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 21, strike "all local health, safety" and insert "mobile home installation standards pursuant to RCW 43.22.440"

Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Ballard, Inslee, Padden, Rector and Todd.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 2136 Prime Sponsor, Representative Cole: Providing mobile home relocation assistance. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member, Anderson, Rector and Todd.

MINORITY recommendation: Without recommendation. Signed by Representatives Ballard, Inslee and Padden.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2137 Prime Sponsor, Representative Cantwell: Establishing target sector programs for state economic development. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Raiter, Rector, Tate, Walk and Youngsman.

Absent: Representative Schoon.

Referred to Committee on Appropriations.

March 1, 1989

HB 2140 Prime Sponsor, Representative Cantwell: Establishing the Washington state growth strategies commission. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Raiter, Rector, Tate, Walk and Youngsman.

Absent: Representative Schoon.

Referred to Committee on Appropriations.

March 1, 1989

HB 2142 Prime Sponsor, Representative Hargrove: Authorizing cities and towns to reimburse litigation expenses to reimburse prevailing parties in a lawsuit where the city or town is a party. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representatives Nelson, Phillips and Rayburn.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2149 Prime Sponsor, Representative Appelwick: Revising levy reduction fund calculation. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betrozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Holland, Horn and K. Wilson.

Absent: Representatives P. King and Rasmussen.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 2150 Prime Sponsor, Representative Anderson: Providing for six demonstration projects on teen parent housing. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Inslee, Rector and Todd.

MINORITY recommendation: Without recommendation. Signed by Representatives Ballard and Padden.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 2151 Prime Sponsor, Representative H. Myers: Regarding disposition and sentencing of juvenile offenders. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives P. King, Locke and Wineberry.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2154 Prime Sponsor, Representative Belcher: Regarding retirement benefits. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers and Tate.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 2155 Prime Sponsor, Representative Appelwick: Making changes to the parenting act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

On page 4, line 18, after "execution," insert "Child support may be included in the separation contract and shall be reviewed in the subsequent proceeding for compliance with RCW 26.19.020."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Insee, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers and Tate.

Absent: Representatives P. King, Locke, D. Sommers and Wineberry.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 2157 Prime Sponsor, Representative Rasmussen: Establishing the Washington tourism policy advisory committee. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 15, after "minimize" strike all material down to and including "maintain" on line 16 and insert "potential adverse impacts on recreational resources and population growth, and to maintain and develop"

Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Raiter, Rector, Schoon, Tate, Walk and Youngsman.

Absent: Representative Kremen.

Referred to Committee on Appropriations.

March 1, 1989

HB 2158 Prime Sponsor, Representative Rasmussen: Including comprehensive cancer center in the definition of a health care facility. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Sprenkle, Vekich and Wolfe.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2159 Prime Sponsor, Representative Braddock: Creating the Washington state health commission. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock; Chair; Day, Vice Chair; Cantwell, Morris, Prentice, D. Sommers, Sprenkle and Vekich.

MINORITY recommendation: Do not pass. Signed by Representatives Brooks, Ranking Republican Member; Chandler and Wolfe.

Passed to Committee on Rules for second reading.

February 28, 1989

HB 2167 Prime Sponsor, Representative Leonard: Regarding mobile home parks. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Ballard, Insee, Padden, Rector and Todd.

Referred to Committee on Appropriations.

February 28, 1989

HB 2168 Prime Sponsor, Representative Nelson: Authorizing services charges on facilities handling wastes composed of both radioactive and hazardous components. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 20 after "wastes" insert "which contain both a nonradioactive hazardous component and a radioactive component"

On page 3, line 28 after "chapter" insert "in those instances where closure entails the physical characterization of remaining wastes which contain both a nonradioactive hazardous component and a radioactive component or the management of such wastes through treatment or removal"

Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Gallagher, Jacobsen, Jesernig, May, R. Meyers, H. Myers and S. Wilson.

Absent: Representatives Cooper and Miller.

Referred to Committee on Appropriations.

February 28, 1989

HB 2172 Prime Sponsor, Representative Nutley: Pertaining to low-income weatherization. Reported by Committee on Housing.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Ballard, Inslee, Padden, Rector and Todd.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2174 Prime Sponsor, Representative Leonard: Revising which families qualify for family reconciliation services. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Hargrove, Leonard, Padden, Raiter and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2185 Prime Sponsor, Representative Doty: Creating an economic development emergency assistance fund. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 16, after "from" strike all material down to and including "1988," on line 19, and insert "the public facilities loan and grant revolving fund"

Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Raiter, Tate, Walk and Youngsman.

Absent: Representatives Rector and Schoon.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2198 Prime Sponsor, Representative Nelson: Pertaining to energy efficiency and conservation. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Cooper, Jacobsen, Jesernig, Miller and H. Myers.

MINORITY recommendation: Do not pass. Signed by Representatives Hankins, Ranking Republican Member; Brooks, May, R. Meyers and S. Wilson.

Absent: Representative Gallagher.

Passed to Committee on Rules for second reading.

February 28, 1989

HJM 4017 Prime Sponsor, Representative R. King: Asking Congress to direct the army corps of engineers to construct fish bypass facilities on the Columbia River. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Haugen, Smith, Spanel and Vekich.

Passed to Committee on Rules for second reading.

February 28, 1989

HJM 4018 Prime Sponsor, Representative Todd: Petitioning the federal department of energy to adopt revised energy standards for appliances which conform to the national appliance energy conservation act. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Gallagher, Jacobsen, Jesernig, May and H. Myers.

MINORITY recommendation: Do not pass. Signed by Representatives R. Meyers and S. Wilson.

Absent: Representatives Cooper and Miller.

Passed to Committee on Rules for second reading.

March 1, 1989

HJR 4220 Prime Sponsor, Representative Braddock: Authorizing the legislature to designate state office locations outside Olympia. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Beck, Betzoff, Bowman, Braddock, Jacobsen, Peery, Wang and Winsley.

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

Absent: Representative Bristow.

Passed to Committee on Rules for second reading.

March 1, 1989

HCR 4407 Prime Sponsor, Representative Nelson: Creating a joint select committee on seismic events. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Jacobsen, May, Miller, H. Myers and S. Wilson.

Absent: Representatives Cooper, Gallagher, Jesernig and R. Meyers.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Heavey, the bills, memorials and resolutions listed on today's supplemental committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

On motion of Mr. Heavey, the House adjourned until 10:00 a.m., Thursday, March 2, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Thursday, March 2, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. Heavey presiding). The Clerk called the roll and all members were present except Representatives Basich, Bristow, Schoon and Todd. On motion of Ms. Fraser, Representatives Bristow and Todd were excused. On motion of Ms. Miller, Representative Schoon was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Hillary Hunt and Aaron Werner. Prayer was offered by The Reverend F. Mark Dowdy, Senior Pastor of the United Churches of Olympia.

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

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

March 2, 1989

On this day in 1889, at the request of an Oakesdale man, several Indian chiefs surveyed the scene of the Steptoe Butte battlefield. The Oakesdale man wanted to mark the site to encourage tourists to visit the battlefield. And, in Seattle, jail sentences seemed to reflect ethnic prejudice. A white man received one year for burglary; a Chinese man got four years for stealing chickens.

On March 2, 1899 President William McKinley signed the bill to create Mt. Rainier National Park. Until final passage of the bill in the House of Representatives, the proposed named of the park had been "Washington National Park."

On March 2, 1910 the worst rail disaster in Washington occurred when an avalanche of snow swept over two trains detained at the Wellington Station near the Stevens Pass Tunnel. Ninety-six people were killed.

And on this day in 1953, Washington citizens celebrated the centennial of the state's becoming a territory. President Millard Fillmore signed the bill creating the territory on that date in 1853, the day before he left office.

MESSAGE FROM THE SENATE

March 1, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5041,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5386,
SUBSTITUTE SENATE BILL NO. 5560,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

The Speaker (Mr. Heavey presiding) called on Mr. O'Brien to preside.

POINT OF PERSONAL PRIVILEGE

Mr. Betrozoff: I would like to give the members of the House a short report on the very successful Centennial Winter Games, which were just completed last weekend in Wenatchee, East Wenatchee, Chelan and Leavenworth. The opening ceremonies were held last Thursday and were carried statewide by KIRO Television and KXLY Television, which, incidentally, not only covered the State of Washington but also western Canada. It was a very successful opening ceremony. Eight teams marched into the Wenatchee High School gymnasium, which was

filled to capacity. For an hour and a half they went through a very enjoyable program that started the Winter Games.

Over the weekend there were sixteen hundred and fifty participants in twenty-three different sports. There were the regular winter sports of alpine skiing, ice hockey and ice skating. In addition, there was badminton, judo, fencing and the new game of pickle ball. The athletes won gold medals, silver medals and bronze medals.

The athletes were housed in Wenatchee. Once they arrived and registered, they were taken in. Their room and board was completely paid for by a combination of a grant from the Centennial Commission, from the Games Foundation, from corporate sponsors and from the local committee. The local committee in Wenatchee paid for the vast majority of the cost of running the Winter Games.

If you happened to catch the coverage on KIRO, you noted the enthusiasm of the athletes, parents and organizations. There was a tremendous amount of enthusiasm for the Winter Games activities; it is the first time the State of Washington has had Winter Games activities and it was very successful. We are looking forward to the Summer Games in Spokane, which will probably be three times the size of the Winter Games. I wanted you to know that this is a first-time activity for the State of Washington. All of you were a part of that in appropriating and establishing the Centennial, and it is a part of the Centennial celebration this year. I want you to know that all of the participants and people involved are appreciative of this great event. Thank you very much.

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

INTRODUCTIONS AND FIRST READING

HB 2199 by Representatives Moyer, Leonard, Raiter, Wolfe, Bristow, Rasmussen and Winsley

AN ACT Relating to termination of parental rights in adoption; and amending RCW 26.33.120.

Referred to Committee on Human Services.

HB 2200 by Representative P. King

AN ACT Relating to parenting; amending RCW 26.09.002, 26.09.004, 26.09.184, 26.09.187, 26.09.191, 26.09.194, 26.09.197, 26.09.255, 26.09.260, 26.09.285, 26.26.130, and 26.26.160; adding new sections to chapter 26.09 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2201 by Representatives Walk, Jones, Hargrove, Zellinsky, Schmidt and Vekich

AN ACT Relating to toll bridges and ferries; and amending RCW 47.60.160 and 47.60.420.

Referred to Committee on Transportation.

SSB 5041 by Committee on Health Care & Corrections (originally sponsored by Senators Hayner, Madsen, McCaslin, Thorsness, Smith, Rasmussen, von Reichbauer and Amondson; by request of Department of Corrections)

Permitting department of corrections to monitor inmate telephone calls.

Referred to Committee on Health Care.

ESSB 5386 by Committee on Health Care & Corrections (originally sponsored by Senators Vognild, West and Barr)

Requiring hospital certification.

Referred to Committee on Health Care.

SSB 5560 by Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Wojahn, Johnson, Vognild,

Moore, Bauer, Warnke, Smitherman, Rasmussen, Sutherland, Fleming, Stratton, Matson, McMullen and Sellar)

Providing for insurance coverage for temporomandibular joint disorders.

Referred to Committee on Financial Institutions & Insurance.

MOTION

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

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

SECOND READING

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

The Speaker (Mr. Appelwick presiding) called the House to order.

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. Appelwick presiding) announced that the House would immediately consider House Bill No. 1226 on the suspension calendar.

HOUSE BILL NO. 1226, by Representatives R. Fisher, McLean, Anderson and Miller; by request of Secretary of State

Requiring lists of electors and presidential candidates.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted (For committee amendments, see Journal, 33rd Day, February 10, 1989.) and the bill be advanced to third reading. Ms. R. Fisher spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1226.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1226, and the bill passed the House by the following vote: Yeas, 92; absent, 3; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Beck, Belcher, Betrozoff, Bowman, Braddock, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spamel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Basich, Baugher, Brekke, - 3.

Excused: Representatives Bristow, Schoon, Todd - 3.

Engrossed House Bill No. 1226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

My "Aye" vote on final passage of Engrossed House Bill No. 1226 was apparently not recorded. Would you please correct the record.

JOANNE J. BREKKE, 32nd District.

Representative Basich appeared at the bar of the House.

HOUSE BILL NO. 1264, by Representatives Nealey, Haugen, Ferguson, McLean, Horn, Cooper and Moyer

Changing provisions relating to local registrars.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Cooper and Nealey spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1264.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1264, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bristow, Schoon, Todd - 3.

Substitute House Bill No. 1264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1697, by Representatives Wang, Patrick and Vekich; by request of Department of Labor and Industries and State Investment Board

Regulating industrial insurance premium investments.

The bill was read the second time.

Ms. Cole moved that the committee recommendation be adopted (For committee amendments, see Journal, 33rd Day, February 10, 1989.) and the bill be advanced to third reading. Ms. Cole spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1697.

Representatives Wang and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1697, and the bill passed the House by the following vote: Yeas, 94; absent, 1; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Van Luven - 1.

Excused: Representatives Bristow, Schoon, Todd - 3.

Engrossed House Bill No. 1697, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1715, by Representatives Anderson, Winsley, Leonard, Wineberry, Nutley, O'Brien, Rector, Nelson and Brekke

Creating a register of public property available for development of low-income housing.

The bill was read the second time.

Ms. Nutley moved that the committee recommendation be adopted (For committee amendments, see Journal, 33rd Day, February 10, 1989.) and the bill be advanced to third reading. Ms. Nutley spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1715.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1715, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bristow, Schoon, Todd - 3.

Engrossed House Bill No. 1715, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1067, by Representatives Braddock, Brooks, Day and P. King; by request of Insurance Commissioner

Making technical changes in the state Health Insurance Coverage Access Act.

The bill was read the second time.

Mr. Braddock moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Braddock and Brooks spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1067.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1067, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bristow, Schoon, Todd - 3.

Substitute House Bill No. 1067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1117, by Representatives Patrick, Vekich, R. King, Sayan, Winsley and McLean; by request of Department of Labor and Industries

Changing conditions for workers' compensation insurance.

The bill was read the second time.

Ms. Cole moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Cole spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of House Bill No. 1117.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1117, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bristow, Schoon, Todd - 3.

House Bill No. 1117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1208, by Representatives Cole, Patrick, R. King, Walker, Jones and Anderson

Requiring certification of court reporters.

The bill was read the second time.

Ms. Cole moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Cole spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1208.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1208, and the bill passed the House by the following vote: Yeas, 93; nays, 2; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Fuhrman, Wang - 2.

Excused: Representatives Bristow, Schoon, Todd - 3.

Substitute House Bill No. 1208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1250, by Representatives Morris, Prentice, Sayan, G. Fisher, Braddock and Jones; by request of Department of Licensing

Changing licensing provisions for hearing aid fitters and dispensers.

The bill was read the second time.

Ms. Morris moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Morris spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1250.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1250, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bristow, Schoon, Todd - 3.

Substitute House Bill No. 1250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1280, by Representatives R. King, Belcher, Beck, Basich, S. Wilson, Sayan, P. King and Jacobsen; by request of Joint Select Committee on Marine and Ocean Resources

Modifying requirements of marine geologic explorations.

The bill was read the second time.

Ms. Belcher moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Belcher spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1280.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1280, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bristow, Schoon, Todd - 3.

Substitute House Bill No. 1280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1298, by Representatives R. King, Winsley, Vekich, Baugher, Leonard, Gallagher, Sayan, Cole, Walk, Prentice, Heavey, Dellwo, Belcher, Scott, Rector, Basich, Jones, Nelson, Phillips, Pruitt, Brekke and Ebersole

Enforcing the payment of prevailing wages.

The bill was read the second time.

Ms. Cole moved that the committee recommendation be adopted (For committee amendments, see Journal, 36th Day, February 13, 1989.) and the bill be advanced to third reading. Ms. Cole spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1298.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1298, and the bill passed the House by the following vote: Yeas, 80; nays, 14; absent, 1; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Sommers D, Sommers H, Spanel, Sprengle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 80.

Voting nay: Representatives Ballard, Bowman, Brooks, Brumsickle, Chandler, Fuhrman, May, McLean, Moyer, Nealey, Padden, Silver, Smith, Wolfe - 14.

Absent: Representative Wineberry - 1.

Excused: Representatives Bristow, Schoon, Todd - 3.

Engrossed House Bill No. 1298, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF PERSONAL PRIVILEGE

Mr. Patrick: I wanted to point out to the members, who didn't understand this bill, that this is not a bill in terms of whether you like or dislike prevailing wage, as some of us aren't that fond of prevailing wage. Prevailing wage is the law of land and the State of Washington and, as such, we should have strong enforcement. That's what it is all about; it is an enforcement bill.

HOUSE BILL NO. 1307, by Representatives Phillips, Holland, Wang and Appelwick; by request of Department of Revenue

Revising assessment levels for equalizing personal property.

The bill was read the second time.

Mr. Wang moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Wang, Phillips and Holland spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of House Bill No. 1307.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1307, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bristow, Schoon, Todd - 3.

House Bill No. 1307, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1033 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1033, by Representatives H. Sommers, Fuhrman, Brekke, Silver and Sayan; by request of Legislative Budget Committee

Amending committee voucher authority.

The bill was read the second time.

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

Representatives H. Sommers and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1033, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bristow, Schoon, Todd - 3.

House Bill No. 1033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1157 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1157, by Representatives Holland, Peery, Betzoff, Ferguson, Cole, Fuhrman, Jones, Walker, Pruitt, Schoon, Rayburn, Winsley, Ebersole, Nealey, Leonard, Brumsickle, May, Prentice, Horn, Rasmussen, Wineberry, Miller, Grant, Anderson, Dorn, Bowman, Moyer and Spanel

Exempting vocational-technical institutes from competitive bidding in the case of sole source suppliers.

The bill was read the second time.

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

Representatives Holland and Peery spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1157, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bristow, Schoon, Todd - 3.

House Bill No. 1157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1158, by Representatives Holland, Peery, Betzoff, Cole, Fuhrman, Pruitt, Walker, Jones, Silver, H. Sommers, Brumsickle, Sayan, Nealey, Rayburn, Ebersole, May, Haugen, Baugher, Valle, Leonard, Horn, Rasmussen, D. Sommers, Moyer, G. Fisher, Prentice, Grant, Bristow, Phillips, Miller, Patrick, Jacobsen, Winsley, Kremen, McLean, Crane, Spanel, Insee and Rector,

Repealing the expiration of the Washington school directors' association.

The bill was read the second time.

The Clerk read the following amendment by Mr. Betzoff:

On page 1, line 15, after "duties" insert "PROVIDED, That fees charged for conferences sponsored by the association shall be commensurate with the actual cost of the conference"

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

Mr. Betzoff moved adoption of the following amendment:

On page 2, line 4, after "(8)" insert "To provide advice and assistance to local boards to promote their primary duty of representing the public interest;

(9)"

Representatives Betzoff and Peery spoke in favor of adoption of the amendment, and it was adopted.

Mr. Betzoff moved adoption of the following amendment:

On page 2, beginning on line 15, strike all material through "repealed," on line 16 and insert the following:

"Sec. 2. Section 6, chapter 187, Laws of 1983 and RCW 28A.61.900 are each amended to read as follows:

The powers and duties of the school director's association terminate on June 30, ~~((1989))~~ 1998. This chapter and RCW 41.06.086 expire June 30, ~~((1990))~~ 1999. The school director's association shall be reviewed before termination under chapter 43.131 RCW.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 30, 1989."

Representatives Betzoff and Peery spoke in favor of adoption of the amendment, and Mr. Holland spoke against it. The amendment was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 2 of the title, after "28A.61.030" strike all material through "28A.61.900," and insert "and 28A.61.900; providing an effective date; and declaring an emergency."

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1158, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bristow, Schoon, Todd - 3.

Engrossed House Bill No. 1158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1241, by Representative Braddock; by request of Director of Department of Licensing

Adjusting terms for members of the examining board of psychology.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1241, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Saryan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bristow, Schoon, Todd - 3.

House Bill No. 1241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1253, by Representatives Prentice, G. Fisher, Wood, Rasmussen, Day, Leonard and Wineberry; by request of Department of Licensing

Changing provisions regarding nursing assistants.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1253, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Saryan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bristow, Schoon, Todd - 3.

House Bill No. 1253, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1072, by Representatives Rasmussen, Dorn, Brumsickle, Betrozoff, Rayburn, Fuhrman, Peery, Pruitt, Walker, Valle, Spanel, R. Meyers, Prentice, Kremen, Rust, Wineberry, Heavey, Rector, Morris, Patrick, Leonard, Basich, Wang, Winsley, P. King, Bowman, G. Fisher, K. Wilson, Miller, Wolfe, Nealey, Brough, Crane, Walk, Schoon, Todd, Phillips and Anderson

Prohibiting air guns on school premises.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 29th Day, February 6, 1989.)

Mr. Crane moved adoption of the committee amendments. Representatives Crane and R. Meyers spoke in favor of adoption of the amendments, and Representatives Rasmussen, Cole and Heavey opposed them. Mr. Crane again spoke in favor of the amendments.

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

ROLL CALL

The Clerk called the roll on adoption of the amendments by Committee on Judiciary to House Bill No. 1072, and the committee amendments were not adopted by the following vote: Yeas, 19; nays, 76; excused, 3.

Voting yea: Representatives Appelwick, Belcher, Cooper, Crane, Day, Gallagher, King P. King R, Kremen, Locke, Meyers R, Myers H, Nutley, Pruitt, Raiter, Sayan, Silver, Vekich, and Mr. Speaker - 19.

Voting nay: Representatives Anderson, Ballard, Basich, Baugher, Beck, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, Leonard, May, McLean, Miller, Morris, Moyer, Nealey, Nelson, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Rasmussen, Rayburn, Rector, Rust, Schmidt, Scott, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 76.

Excused: Representatives Bristow, Schoon, Todd - 3.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1072, and the bill passed the House by the following vote: Yeas, 93; nays, 2; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Baugher, Meyers R - 2.

Excused: Representatives Bristow, Schoon, Todd - 3.

House Bill No. 1072, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1221, by Representatives McLean, Vekich, Nealey, P. King, Todd and Silver

Easing licensing requirements for vehicle auctioneers.

The bill was read the second time. On motion of Ms. Cole, Substitute House Bill No. 1221 was substituted for House Bill No. 1221, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1221 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1221, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bristow, Schoon, Todd - 3.

Substitute House Bill No. 1221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1259, by Representatives Scott, Cole, Heavey, Padden, Crane, P. King, R. Meyers, Belcher, Schmidt, Moyer, Tate, Patrick, Anderson, Jacobsen, Kremen, Todd, G. Fisher, Doty, Winsley, Baugher and Silver

Exempting guide and service dogs from local license fees.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1259 was substituted for House Bill No. 1259, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1259 was read the second time.

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

Representatives Scott and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1259, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bristow, Schoon, Todd - 3.

Substitute House Bill No. 1259, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House defer consideration of House Bill No. 1278 and the bill hold its place on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1354, by Representatives Fraser, McLean, R. Fisher, Crane, Winsley, Dorn, Sayan, Belcher, Chandler, Brough, Rector, Haugen, R. King, K. Wilson, Hankins, H. Myers, Miller, Rasmussen, Ebersole, Tate and Sprengle; by request of Governor Gardner

Continuing the interagency committee for outdoor recreation.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1354, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bristow, Schoon, Todd - 3.

House Bill No. 1354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1503, by Representatives Ebersole, Schmidt, Walk, Nelson, Jones, Zellinsky, R. Fisher, Beck, S. Wilson, Wang, Heavey, Brough, Schoon, Tate and P. King; by request of Department of Transportation

Relaxing bonding requirements on ferry contracts.

The bill was read the second time. On motion of Mr. Baugher, Substitute House Bill No. 1503 was substituted for House Bill No. 1503, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1503 was read the second time.

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

Representatives Ebersole, Schmidt and Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1503, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bristow, Schoon, Todd - 3.

Substitute House Bill No. 1503, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Todd appeared at the bar of the House.

HOUSE BILL NO. 1682, by Representatives Brough, Vekich, Patrick, Jacobsen, Cole, Leonard, Todd, O'Brien and Schoon

Revising provisions for fund raising events by bona fide charitable or nonprofit organizations.

The bill was read the second time.

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

Representatives Brough, Vekich and Nelson spoke in favor of passage of the bill, and Mr. Heavey opposed it.

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. Appelwick presiding): A question was raised on whether or nor this bill would constitute an expansion of gambling, which would require fifty-nine votes to pass. The Speaker will rule conservatively that, while it doesn't expand the nature and scope of gambling activity, at least because it raises a threshold and because there are differing opinions, it will take fifty-nine votes to pass the bill.

Ms. Brough again spoke in favor of passage of the bill, and Ms. Silver opposed it.

POINT OF ORDER

Ms. Brough: Mr. Speaker, I believe that the Representative from Spokane is discussing bingo, which is not the subject at hand right now. We are talking about casino night fund-raising activities, not bingo operations.

SPEAKER'S RULING

The Speaker (Mr. Appelwick presiding): Your observation, Representative Brough, is correct. I would ask Representative Silver to speak on the subject matter before us, which is raising the threshold on casino gambling.

Ms. Silver concluded her remarks against passage of the bill. Representatives Heavey and Dellwo spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1682, and the bill passed the House by the following vote: Yeas, 69; nays, 26; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bowman, Brooks, Brough, Brumsickle, Cantwell, Cooper, Day, Dorn, Doty, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Sayan, Scott, Smith, Sommers D, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Walker, Wilson K, Wolfe, Wood, Zellinsky, and Mr. Speaker - 69.

Voting nay: Representatives Betzoff, Braddock, Brekke, Chandler, Cole, Crane, Dellwo, Ferguson, Fuhrman, Hargrove, Haugen, Heavey, Locke, May, Meyers R, Rector, Rust, Schmidt, Silver, Tate, Van Luven, Wang, Wilson S, Wineberry, Winsley, Youngsman - 26.

Absent: Representative Sommers H - 1.

Excused: Representatives Bristow, Schoon - 2.

House Bill No. 1682, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. Appelwick presiding) announced that the House would immediately consider House Bill No. 1254.

HOUSE BILL NO. 1254, by Representatives H. Myers, Beck, Morris, R. Meyers, G. Fisher, Peery, Winsley, Wang, May, Jones, P. King, R. Fisher, Sayan, O'Brien, Locke, Crane, Heavey, Inslee, Rector, Brough, Cooper and Brumsickle; by request of Governor Gardner and Attorney General

Providing immunity for communications to certain officials.

The bill was read the second time. On motion of Mr. Crane, Substitute House Bill No. 1254 was substituted for House Bill No. 1254, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1254 was read the second time.

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

Representatives H. Myers and Beck spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1254, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bristow, Schoon - 2.

Substitute House Bill No. 1254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1308 on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1308, by Representatives Wang and Holland; by request of Department of Revenue

Changing requirements concerning real estate excise tax affidavit forms.

The bill was read the second time.

Mr. Wang moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Wang spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of House Bill No. 1308.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1308, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bristow, Schoon - 2.

House Bill No. 1308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1343, by Representatives Jones, Patrick, R. King, Sayan, Leonard, Cole, Wolfe, Wang, Winsley and Walker

Establishing procedures for determining jurisdiction in disputed industrial insurance claims and providing for benefits.

The bill was read the second time.

Ms. Cole moved that the committee recommendation be adopted (For committee amendments, see Journal, 36th Day, February 13, 1989.) and the bill be advanced to third reading. Ms. Cole spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1343.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1343, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bristow, Schoon - 2.

Engrossed House Bill No. 1343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Heavey, the House recessed until 1:15 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 1:15 p.m. The Clerk called the roll and all members were present except Representatives Basich, Belcher, Bristow, Day, Gallagher, R. Meyers, Sayan, Schoon and Walk. On motion of Mr. Heavey, Representatives Bristow and Sayan were excused. On motion of Ms. Bowman, Representative Schoon was excused.

ENGROSSED HOUSE BILL NO. 1348, by Representatives Ferguson, O'Brien, Betrozoff, Haugen, May, Winsley, Sayan, Beck, Crane, Silver, Jones, Holland, Moyer, Horn, Patrick, Wood, Hankins and Miller

Authorizing excess weight permits for emergency vehicles.

The bill was read the second time.

Mr. Baugher moved that the committee recommendation be adopted (For committee amendment, see Journal, 38th Day, February 15, 1989.) and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1348.

Representatives Baugher and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1348, and the bill passed the House by the following vote: Yeas, 89; absent, 6; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 89.

Absent: Representatives Basich, Belcher, Day, Gallagher, Meyers R, Walk - 6.

Excused: Representatives Bristow, Sayan, Schoon - 3.

Engrossed House Bill No. 1348, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 2:30 p.m.

The Speaker called the House to order at 2:32 p.m.

Representatives Basich, Belcher, Day, Gallagher, R. Meyers, Sayan and Walk appeared at the bar of the House.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1071 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1071, by Representatives H. Myers, Padden, Nealey, Patrick, Wolfe, Wood, P. King and Crane

Limiting personal restraint petitions.

The bill was read the second time. On motion of Mr. Appelwick, Substitute House Bill No. 1071 was substituted for House Bill No. 1071, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1071 was read the second time.

Mr. Wineberry moved adoption of the following amendments:

On page 1, beginning on line 4, strike all of sections 1 through 8 on page 3, line 18
Renumber the remaining section

On page 4, after line 2, insert the following:

NEW SECTION, Sec. 10. The office of the administrator for the courts shall conduct a study to determine the effectiveness of implementing section 9 of this act in reducing frivolous petitions and alleviating the burden on the state in responding to petitions. For purposes of the study the office of the administrator for the courts shall maintain the following records:

(1) The total number of personal restraint petitions filed between July 1, 1989, and July 1, 1990;

(2) The number of petitions filed within each category of grounds that form the basis for the petition. The office of the administrator for the courts shall develop a system to categorize the various grounds that petitioners rely upon for relief from incarceration. The categories shall include but shall not be limited to the following grounds:

(a) Newly discovered evidence;

(b) The statute under which the petitioner was convicted was unconstitutional on its face;

(c) The conviction was barred by double jeopardy;

(d) The evidence introduced at trial was insufficient to support the conviction;

(e) The sentence imposed was in excess of the court's jurisdiction;

(f) A significant procedural or substantive change in the law warrants retroactive application;

(g) The conviction was obtained in violation of the Washington state or United States constitution;

(h) The convicting court lacked jurisdiction over the petitioner or subject matter; and

(i) Other grounds;

(3) The total number dismissed by the court of appeals prior to requiring the state to respond to the petitions;

(4) The total number referred to the state to respond to the petitions;

(5) The total number filed after one year of final judgment:

For purposes of this section, a judgment becomes final on the last of the following dates:

(a) The date it is filed with the clerk of the trial court;

(b) The date that an appellate court issues its mandate disposing of a timely direct appeal from the conviction;

(c) The date that the United States supreme court denies a timely petition for certiorari to review a decision affirming the conviction on direct appeal. The filing of a motion to reconsider denial of certiorari does not prevent a judgment from becoming final; and

(6) The total number of petitions referred to the state that are filed after one year of final judgment.

The office of the administrator for the courts shall report its findings to the legislature in a written report by December 1, 1990."

Correct internal references accordingly.

POINT OF ORDER

Mr. Padden: I would like a ruling on scope and object on the amendments.

SPEAKER'S RULING

The Speaker: Representative Padden, having examined both the original bill and the amendments to the substitute, I find that your point is not well taken. The amendments strike parts of the bill and ask the Administrator of the Courts to conduct a study, which seems to me to be within the original subject. We haven't strayed from the original subject of the bill, so I find your point not well taken.

Mr. Wineberry spoke in favor of adoption of the amendments, and Representatives H. Myers, Patrick and Crane opposed them.

Ms. Brough demanded an electric roll call vote, and the demand was sustained.

Mr. Appelwick spoke in favor of the amendments, and Mr. Padden spoke against them.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Mr. Wineberry to Substitute House Bill No. 1071, and the amendments were not adopted by the following vote: Yeas, 26; nays, 69; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Braddock, Brekke, Cole, Fisher R, Fraser, Gallagher, Heavey, Jacobsen, King R, Leonard, Locke, Nelson, Nutley, O'Brien, Phillips, Prentice, Rafter, Rust, Spanel, Valle, Walk, Wang, Wineberry, and Mr. Speaker - 26.

Voting nay: Representatives Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fuhrman, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Horn, Inslée, Jesernig, Jones, King P, Kremen, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sprenkle, Tate, Todd, Van Luven, Vekich, Walker, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 69.

Absent: Representative Sommers H - 1.

Excused: Representatives Bristow, Schoon - 2.

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

Representatives H. Myers and Padden spoke in favor of passage of the bill, and Representatives Wineberry and Heavey opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1071, and the bill passed the House by the following vote: Yeas, 74; nays, 20; absent, 2; excused, 2.

Voting yea: Representatives Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fuhrman, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Horn, Inslée, Jesernig, Jones, King P, Kremen, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 74.

Voting nay: Representatives Anderson, Appelwick, Braddock, Brekke, Cole, Fisher R. Fraser, Heavey, Jacobsen, King R. Leonard, Nelson, Nutley, O'Brien, Phillips, Prentice, Raiter, Rust, Wang, Wineberry - 20.

Absent: Representatives Gallagher, Locke - 2.

Excused: Representatives Bristow, Schoon - 2.

Substitute House Bill No. 1071, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1855 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1855, by Representatives Jones, Vekich, Wang, Leonard, Jacobsen, R. King, Anderson, Ebersole, Cole, Nelson, Belcher, Basich, Brekke, Rector, Dellwo, Sayan, Wineberry, Crane, Prentice and Phillips

Establishing a state plant closure law.

The bill was read the second time.

Mr. Hargrove moved adoption of the following amendments by Representatives Hargrove and Vekich:

On page 4, line 5, after "from" strike "the" and insert ": (i) The"

On page 4, line 9, after "arrangement" insert "; or (ii) the anticipated loss of the supply of logs if the loss of supply comprises more than fifty percent of the employer's business as compared with the twelve months preceding the reduction in operations and the employer's business is a mill with the capacity of processing no more than forty thousand board feet of lumber tally per eight hour shift"

Mr. Hargrove spoke in favor of adoption of the amendments, and they were adopted.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1258, by Representatives Scott, Patrick, Heavey, P. King, R. Meyers, Schmidt, Crane, Tate, Padden, Belcher, Inslee, Moyer, Prentice, Jacobsen, Holland, Kremen, Todd, G. Fisher, Winsley, Basich, Beck, Ballard, Baugher, Silver, Morris, Rector, Brough, Miller and Brumsickle

Making assaults on law enforcement personnel third degree assault.

The Speaker stated the question before the House to be the Point of Order by Mr. Padden. (See Journal, 50th Day, February 27, 1989 for previous action.)

SPEAKER'S RULING

The Speaker: The Point of Order was the timeliness of the Point of Order on scope and object. This is a difficult decision for the Speaker to make because I wasn't out here. It is clear from the record that Representative Walker was recognized three different times, and the third time was to begin the debate which she did do. Reed's Rule 112 is very, very clear: "Both these objections to present action must be presented before consideration has been entered upon. After debate has begun or other action has been taken it is too late." It is clear that the debate had started. I find, Representative Padden, that your point is well taken, that the point was not raised in a timely manner.

The Speaker deferred further consideration of House Bill No. 1258 and the bill was ordered to hold its place on the regular second reading calendar.

The Speaker declared the House to be at ease.

The Speaker (Mr. Raiter presiding) called the House to order.

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

MOTIONS

On motion of Mr. Heavey, House Bill No. 1179 was referred from Committee on Rules to Committee on Appropriations.

On motion of Mr. Heavey, House Bill No. 1237 was referred from Committee on Rules to Committee on Appropriations.

On motion of Mr. Heavey, House Bill No. 1329 was referred from Committee on Revenue to Committee on Rules.

On motion of Mr. Heavey, House Bill No. 1411 was referred from Committee on Appropriations to Committee on Rules.

On motion of Mr. Heavey, House Bill No. 1415 was referred from Committee on Rules to Committee on Appropriations.

On motion of Mr. Heavey, House Bill No. 1515 was referred from Committee on Appropriations to Committee on Rules.

On motion of Mr. Heavey, House Bill No. 1577 was referred from Committee on Appropriations to Committee on Rules.

On motion of Mr. Heavey, House Bill No. 1578 was referred from Committee on Appropriations to Committee on Rules.

On motion of Mr. Heavey, House Bill No. 1579 was referred from Committee on Appropriations to Committee on Rules.

On motion of Mr. Heavey, House Bill No. 1812 was referred from Committee on Rules to Committee on Appropriations.

On motion of Mr. Heavey, House Bill No. 1864 was referred from Committee on Rules to Committee on Appropriations.

On motion of Mr. Heavey, House Bill No. 1917 was referred from Committee on Rules to Committee on Appropriations.

On motion of Mr. Heavey, House Bill No. 1968 was referred from Committee on Rules to Committee on Appropriations.

On motion of Mr. Heavey, House Bill No. 2077 was referred from Committee on Rules to Committee on Appropriations.

On motion of Mr. Heavey, House Bill No. 2084 was referred from Committee on Rules to Committee on Appropriations.

On motion of Mr. Heavey, House Bill No. 2087 was referred from Committee on Rules to Committee on Appropriations.

On motion of Mr. Heavey, House Bill No. 2122 was referred from Committee on Rules to Committee on Appropriations.

On motion of Mr. Heavey, House Bill No. 2136 was referred from Committee on Rules to Committee on Appropriations.

On motion of Mr. Heavey, House Bill No. 2150 was referred from Committee on Rules to Committee on Appropriations.

On motion of Mr. Heavey, House Bill No. 2167 was referred from Committee on Appropriations to Committee on Rules.

On motion of Mr. Heavey, House Bill No. 2172 was referred from Committee on Rules to Committee on Revenue.

On motion of Mr. Heavey, House Bill No. 2185 was referred from Committee on Rules to Committee on Appropriations.

On motion of Mr. Heavey, House Bill No. 2198 was referred from Committee on Rules to Committee on Revenue.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Friday, March 3, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, March 3, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Brekke, Fraser, R. Meyers, Morris, Sayan, H. Sommers, Wang and K. Wilson. On motion of Mr. Heavey, Representatives Brekke, R. Meyers, Sayan, H. Sommers, Wang and K. Wilson were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rob Fallow and Jayson Felber. Prayer was offered by Pastor Robert Christensen, Minister of the Lacey Church of God.

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

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

March 3, 1989

On this day in 1889, a Walla Walla newspaper printed answers to a questionnaire it had sent to inmates at the Walla Walla Penitentiary. To the question, "What brought about your incarceration?" common answers included "the influence of whiskey; bad company combined with whiskey". And, the superintendent of schools in Spokane, Bruce Wolverton, described his efforts to reform the schools by instituting grades and other more systematic discipline, over the objections of a few of the teachers. He said that he felt that he had laid the foundations for a good school system.

On this day in 1891 the Federal Government granted 50 foot by 140 foot lots to members of the Squatters Aid Association, who had invaded Federal lands near Port Angeles on July 4, 1890.

On March 3, 1893 the Indian Appropriations Act allowed Puyallup Tribe members to sell individual holdings and lands held in common. Many neighboring whites had sought to buy Puyallup land, and some Indians had favored the sale. By 1974, thirty-three acres remained of an estimated eighteen thousand acres of the original reservation.

On March 3, 1908, at the request of citizens of Moclips, the County Commissioners decided not to renew any liquor licenses in Moclips; all would expire on September 1. And on March 3, 1933 the Governor signed a bill legalizing horse racing, allowing it for the first time in the state in thirty years.

MESSAGE FROM THE SENATE

March 2, 1989

Mr. Speaker:

The Senate has passed:

	SUBSTITUTE SENATE BILL NO. 5004,
	SUBSTITUTE SENATE BILL NO. 5066,
ENGROSSED	SUBSTITUTE SENATE BILL NO. 5088,
	SUBSTITUTE SENATE BILL NO. 5125,
	SUBSTITUTE SENATE BILL NO. 5146,
	SENATE BILL NO. 5155,
	SUBSTITUTE SENATE BILL NO. 5184,
	SUBSTITUTE SENATE BILL NO. 5196,
	SENATE BILL NO. 5250,
	SENATE BILL NO. 5354,

SUBSTITUTE SENATE BILL NO. 5362.
 SUBSTITUTE SENATE BILL NO. 5369,
 SUBSTITUTE SENATE BILL NO. 5419,
 SUBSTITUTE SENATE BILL NO. 5481,
 SUBSTITUTE SENATE BILL NO. 5533,
 SENATE BILL NO. 5731,
 ENGROSSED SENATE BILL NO. 5821,
 ENGROSSED SENATE BILL NO. 5833.

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 2202 by Representatives S. Wilson, Haugen, Walker, R. Fisher, Hankins, Sprengle, Rust, D. Sommers, Schoon and Winsley

AN ACT Relating to allocation and distribution of funds from the litter control account; and amending RCW 70.93.194.

Referred to Committee on Environmental Affairs.

HB 2203 by Representatives Day, Silver, Dellwo, D. Sommers and Moyer

AN ACT Relating to the repeal of public facilities districts' authority to tax without voter approval and reappropriating funds to public facilities districts; amending RCW 36.100.010, 36.100.020, 36.100.030, and 36.100.040; and authorizing a reappropriation.

Referred to Committee on Revenue.

SSB 5004 by Committee on Economic Development & Labor (originally sponsored by Senators West, Lee, Anderson, Conner, Warnke, Johnson, Sutherland and Bauer)

Studying colocation efforts in Tokyo, Japan, of the departments of agriculture and trade and economic development.

Referred to Committee on Trade & Economic Development.

SSB 5066 by Committee on Law & Justice (originally sponsored by Senators Pullen and Rasmussen)

Modifying self-defense requirements.

Referred to Committee on Judiciary.

ESSB 5088 by Committee on Energy & Utilities (originally sponsored by Senators Benitz, Stratton, Bluechel, Metcalf, Lee, Anderson and Johnson)

Regulating telemarketing.

Referred to Committee on Energy & Utilities.

SSB 5125 by Committee on Law & Justice (originally sponsored by Senators McCaslin, Pullen, Stratton, Owen, Craswell, Johnson, Smith and Metcalf)

Limiting causes of action for wrongful life and wrongful birth.

Referred to Committee on Judiciary.

SSB 5146 by Committee on Environment & Natural Resources (originally sponsored by Senators Owen, Craswell, Kreidler, Lee, Stratton, Sellar and Conner)

Providing a Hood Canal marine fish preservation area.

Referred to Committee on Fisheries & Wildlife.

- SB 5155 by Senators Wojahn, Anderson, Madsen, Bauer, Vognild, Warnke, Lee, Niemi, Smith and McMullen
Providing a business and occupation tax deduction for capital and operation expenses related to child care facilities.
Referred to Committee on Trade & Economic Development.
- SSB 5184 by Committee on Transportation (originally sponsored by Senators Smitherman, Lee and Talmadge)
Regulating limousine operators.
Referred to Committee on Transportation.
- SSB 5196 by Committee on Agriculture (originally sponsored by Senators Barr, Hansen, Talmadge, Williams, Conner, Madsen, Gaspard, McMullen and Benitz; by request of Governor)
Regarding emergency drought relief.
Referred to Committee on Agriculture & Rural Development.
- SB 5250 by Senators Sutherland and Amondson
Reclaiming land at surface mining sites.
Referred to Committee on Natural Resources & Parks.
- SB 5354 by Senators McDonald, Bluechel, Rasmussen, McMullen and Anderson
Providing for caseload forecasting in the office of financial management.
Referred to Committee on State Government.
- SSB 5362 by Committee on Health Care & Corrections (originally sponsored by Senators West, Talmadge, Niemi, Smith, Johnson, Kreidler, Wojahn and Anderson)
Regulating the administration of antipsychotic medications.
Referred to Committee on Human Services.
- SSB 5369 by Committee on Economic Development & Labor (originally sponsored by Senators Bluechel, Warnke, Smith, Lee and von Reichbauer)
Increasing mobile home space availability.
Referred to Committee on Housing.
- SSB 5419 by Committee on Environment & Natural Resources (originally sponsored by Senators DeJarnatt, Metcalf and Sutherland)
Allowing Oregon charter boats to fish in Washington waters.
Referred to Committee on Fisheries & Wildlife.
- SSB 5481 by Committee on Health Care & Corrections (originally sponsored by Senators West, Wojahn, Sellar and Vognild)
Including education and prevention services in the impaired physician program.
Referred to Committee on Health Care.
- SSB 5533 by Committee on Environment & Natural Resources (originally sponsored by Senators Rasmussen, Hansen, Vognild, Patterson, Thorsness, Conner, Metcalf, Benitz, Saling and Nelson)
Protecting salmon and steelhead resources from nonendangered marine mammals.
Referred to Committee on Fisheries & Wildlife.

SB 5731 by Senators von Reichbauer and Moore

Allowing investment in government obligations.

Referred to Committee on Financial Institutions & Insurance.

ESB 5821 by Senators Rinehart, Bailey and Murray

Directing the department of community development to develop a model intergenerational child care program.

Referred to Committee on Human Services.

ESB 5833 by Senators Pullen, Talmadge, Madsen, Thorsness, Niemi and Nelson

Amending the disposition and sentencing standards for juvenile offenders.

Referred to Committee on Judiciary.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

March 1, 1989

HB 1663 Prime Sponsor, Representative Nutley: Enacting the farmworker housing act. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Housing be substituted therefor and the substitute bill do pass with the following amendments by Committee on Revenue:

Beginning on page 10, line 32, strike all of sections 20 and 21.

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 1, beginning on line 3 of the title, after "36.34 RCW" strike everything through "82.12 RCW" on line 4.

Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Basich, Brumsickle, Fraser, Grant, Haugen, Morris, Phillips, Rust, Silver and H. Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman and Van Luven.

Referred to Committee on Appropriations.

March 1, 1989

HB 2076 Prime Sponsor, Representative Pruitt: Collecting a tire disposal fee per vehicle per year at the time of vehicle registration. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Horn, Assistant Ranking Republican Member; Appelwick, Basich, Brumsickle, Fraser, Grant, Haugen, Morris, Phillips, Rust and H. Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Holland, Ranking Republican Member; Silver and Van Luven.

Voting nay: Representatives Holland, Ranking Republican Member; Fuhrman, Silver and Van Luven.

Passed to Committee on Rules for second reading.

March 1, 1989

HJR 4207 Prime Sponsor, Representative Haugen: Amending the Constitution to allow excess levies for up to six-year periods by the state and taxing districts. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Appelwick, Basich, Brumsickle, Fraser, Fuhrman, Grant, Haugen, Morris, Phillips, Rust, Silver, H. Sommers and Van Luven.

Absent: Representative Van Luven.

Passed to Committee on Rules for second reading.

March 1, 1989

HJR 4214 Prime Sponsor, Representative Haugen: Submitting to the people an amendment to the state Constitution regarding the levy limitation. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Basich, Fraser, Grant, Haugen, Morris, Phillips, Rust, Silver and H. Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Brumsickle, Fuhrman and Van Luven.

Voting nay: Representatives Brumsickle and Fuhrman.

Absent: Representative Van Luven.

Passed to Committee on Rules for second reading.

March 1, 1989

HJR 4219 Prime Sponsor, Representative Haugen: Authorizing Article VII, section 2 of the state Constitution to authorize levies by library districts. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Horn, Assistant Ranking Republican Member; Appelwick, Basich, Fraser, Grant, Haugen, Morris, Phillips, Rust, Silver and H. Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Holland, Ranking Republican Member; Brumsickle, Fuhrman and Van Luven.

Voting nay: Representatives Holland, Ranking Republic Member; Brumsickle and Fuhrman.

Absent: Representative Van Luven.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Heavey, the bills and resolutions listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced that the House would immediately consider House Bill No. 1445 on the suspension calendar.

HOUSE BILL NO. 1445, by Representatives Inslee, Jacobsen, Heavey, Kremen, Winsley, Rector, Nelson, Wang, Fraser, Leonard, Prentice, Sayan, Dellwo, Sprenkle, Spanel, Basich, Brekke and H. Myers; by request of Governor Gardner

Authorizing financial aid to needy students enrolled on at least a half-time basis.

The bill was read the second time.

Ms. Cole moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Cole and Jacobsen spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1445.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1445, and the bill passed the House by the following vote: Yeas, 89; absent, 3; excused, 6.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 89.

Absent: Representatives Appelwick, Fraser, Morris - 3.

Excused: Representatives Brekke, Meyers R, Sryan, Sommers H, Wang, Wilson K - 6.

House Bill No. 1445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Appelwick, Brekke and Morris appeared at the bar of the House.

HOUSE BILL NO. 1447, by Representatives Hargrove, Jones, Belcher, Beck and Brumsickle

Revising advertising and sale requirements for valuable materials.

The bill was read the second time.

Ms. Belcher moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Belcher spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1447.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1447, and the bill passed the House by the following vote: Yeas, 92; absent, 1; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representative Fraser - 1.

Excused: Representatives Meyers R, Sryan, Sommers H, Wang, Wilson K - 5.

House Bill No. 1447, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 1:15 p.m.

AFTERNOON SESSION

The Speaker called the House to order at 1:15 p.m.

Representatives Fraser, R. Meyers, Sayan and Wang appeared at the bar of the House.

SECOND READING

HOUSE BILL NO. 1452, by Representatives O'Brien, Patrick, R. King, Sayan, Leonard, Cole, Heavey and Vekich

Providing for notice of temporary total disability to the employment security department.

The bill was read the second time.

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

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1452.

Representatives Cole and Walker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1452, and the bill passed the House by the following vote: Yeas, 94; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Brekke, Nelson - 2.

Excused: Representatives Sommers H, Wilson K - 2.

Substitute House Bill No. 1452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1793 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1793, by Representatives Ebersole, Appelwick, Patrick, Wolfe, Haugen, Tate, Crane, Ballard, Brekke, Bowman, Sayan, Brumsickle, Walk, Wood, Dorn, Horn, Valle, Youngsman, Wang, McLean, Cantwell, Basich, Day, Brough, R. Meyers, Rayburn, Moyer, Peery, Winsley, Rasmussen, May, R. Fisher, Holland, Sprenkle, Miller, Rector, S. Wilson, Baugher, Chandler, Cooper, Schmidt, Raiter, Betzoff, Pruitt, Walker, H. Myers, Nealey, Heavey, Brooks, Ferguson, Padden, Doty, Fuhrman, Van Luven, Silver, D. Sommers, Beck, Spanel, Dellwo, Scott, Insee, Todd, Morris, K. Wilson, Gallagher, Prince, P. King, O'Brien, Jones, Smith, Hine and G. Fisher

Creating the Omnibus Alcohol and Controlled Substance Act of 1989.

The bill was read the second time. On motion of Mr. Locke, Second Substitute House Bill No. 1793 was substituted for House Bill No. 1793, and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1793 was read the second time.

Mr. Patrick moved adoption of the following amendment by Representatives Patrick and Schmidt:

On page 21, after line 14, insert the following:

*SUBPART E

CAPITAL PUNISHMENT FOR CERTAIN VIOLATIONS OF THE UNIFORM CONTROLLED SUBSTANCES ACT

NEW SECTION. Sec. 120. No rule promulgated by the supreme court of Washington pursuant to RCW 2.04.190 and 2.04.200, now or in the future, shall be construed to supersede or alter any of the provisions of this chapter.

NEW SECTION. Sec. 121. A person is guilty of aggravated first degree murder if he or she commits first degree murder as defined by RCW 9A.32.030(1)(a), as now or hereafter amended, and the following aggravating circumstance exists: The murder was committed in the course of, in furtherance of, or in immediate flight from a violation of the uniform controlled substances act under RCW 69.50.401(a)(1)(i) or (b)(1)(i).

NEW SECTION. Sec. 122. (1) Except as provided in subsection (2) of this section, any person convicted of the crime of aggravated first degree murder under this chapter shall be sentenced to life imprisonment without possibility of release or parole. A person sentenced to life imprisonment under this section shall not have that sentence suspended, deferred, or commuted by any judicial officer and the indeterminate sentence review board or its successor may not parole such prisoner nor reduce the period of confinement in any manner whatsoever including but not limited to any sort of good-time calculation. The department of social and health services or its successor or any executive official may not permit such prisoner to participate in any sort of release or furlough program.

(2) If, pursuant to a special sentencing proceeding held under section 124 of this act, the trier of fact finds that there are not sufficient mitigating circumstances to merit leniency, the sentence shall be death.

NEW SECTION. Sec. 123. (1) If a person is charged with aggravated first degree murder as defined by section 121 of this act, the prosecuting attorney shall file written notice of a special sentencing proceeding to determine whether or not the death penalty should be imposed when there is reason to believe that there are not sufficient mitigating circumstances to merit leniency.

(2) The notice of special sentencing proceeding shall be filed and served on the defendant or the defendant's attorney within thirty days after the defendant's arraignment upon the charge of aggravated first degree murder under this chapter unless the court, for good cause shown, extends or reopens the period for filing and service of the notice. Except with the consent of the prosecuting attorney, during the period in which the prosecuting attorney may file the notice of special sentencing proceeding, the defendant may not tender a plea of guilty to the charge of aggravated first degree murder under this chapter nor may the court accept a plea of guilty to the charge of aggravated first degree murder under this chapter or any lesser included offense.

(3) If a notice of special sentencing proceeding is not filed and served as provided in this section, the prosecuting attorney may not request the death penalty.

NEW SECTION. Sec. 124. (1) If a defendant is adjudicated guilty of aggravated first degree murder under this chapter, whether by acceptance of a plea of guilty, by verdict of a jury, or by decision of the trial court sitting without a jury, a special sentencing proceeding shall be held if a notice of special sentencing proceeding was filed and served as provided by section 123 of this act. No sort of plea, admission, or agreement may abrogate the requirement that a special sentencing proceeding be held.

(2) A jury shall decide the matters presented in the special sentencing proceeding unless a jury is waived in the discretion of the court and with the consent of the defendant and the prosecuting attorney.

(3) If the defendant's guilt was determined by a jury verdict, the trial court shall reconvene the same jury to hear the special sentencing proceeding. The proceeding shall commence as soon as practicable after completion of the trial at which the defendant's guilt was determined. If, however, unforeseen circumstances make it impracticable to reconvene the same jury to hear the special sentencing proceeding, the trial court may dismiss that jury and convene a jury pursuant to subsection (4) of this section.

(4) If the defendant's guilt was determined by plea of guilty or by decision of the trial court sitting without a jury, or if a retrial of the special sentencing proceeding is necessary for any reason including but not limited to a mistrial in a previous special sentencing proceeding or as a consequence of a remand from an appellate court, the trial court shall impanel a jury of twelve persons plus whatever alternate jurors the trial court deems necessary. The defense and prosecution shall each be allowed to peremptorily challenge twelve jurors. If there is more than one defendant, each defendant shall be allowed an additional peremptory challenge and the prosecution shall be allowed a like number of additional challenges. If alternate jurors are selected, the defense and prosecution shall each be allowed one peremptory challenge for each alternate juror to be selected and if there is more than one defendant each defendant shall be allowed an additional peremptory challenge for each alternate juror to be selected and the prosecution shall be allowed a like number of additional challenges.

NEW SECTION. Sec. 125. (1) At the commencement of the special sentencing proceeding, the trial court shall instruct the jury as to the nature and purpose of the proceeding and as to the consequences of its decision, as provided in section 122 of this act.

(2) At the special sentencing proceeding both the prosecution and defense shall be allowed to make an opening statement. The prosecution shall first present evidence and then the defense may present evidence. Rebuttal evidence may be presented by each side. Upon conclusion of the evidence, the court shall instruct the jury and then the prosecution and defense shall be permitted to present argument. The prosecution shall open and conclude the argument.

(3) The court shall admit any relevant evidence which it deems to have probative value regardless of its admissibility under the rules of evidence, including hearsay evidence and evidence of the defendant's previous criminal activity regardless of whether the defendant has been charged or convicted as a result of such activity. The defendant shall be accorded a fair opportunity to rebut or offer any hearsay evidence.

In addition to evidence of whether or not there are sufficient mitigating circumstances to merit leniency, if the jury sitting in the special sentencing proceeding has not heard evidence of the aggravated first degree murder of which the defendant stands convicted, both the defense and prosecution may introduce evidence concerning the facts and circumstances of the murder.

(4) Upon conclusion of the evidence and argument at the special sentencing proceeding, the jury shall retire to deliberate upon the following question: 'Having in mind the crime of which the defendant has been found guilty, are you convinced beyond a reasonable doubt that there are not sufficient mitigating circumstances to merit leniency?'

In order to return an affirmative answer to the question posed by this subsection, the jury must so find unanimously.

NEW SECTION. Sec. 126. In deciding the question posed by section 125(4) of this act, the jury, or the court if a jury is waived, may consider any relevant factors, including but not limited to the following:

(1) Whether the defendant has or does not have a significant history, either as a juvenile or an adult, of prior criminal activity;

(2) Whether the murder was committed while the defendant was under the influence of extreme mental disturbance;

(3) Whether the victim consented to the act of murder;

(4) Whether the defendant was an accomplice to a murder committed by another person where the defendant's participation in the murder was relatively minor;

(5) Whether the defendant acted under duress or domination of another person;

(6) Whether, at the time of the murder, the capacity of the defendant to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of law was substantially impaired as a result of mental disease or defect;

(7) Whether the age of the defendant at the time of the crime calls for leniency; and

(8) Whether there is a likelihood that the defendant will pose a danger to others in the future.

NEW SECTION. Sec. 127. (1) If a jury answers affirmatively the question posed by section 125(4) of this act, or when a jury is waived as allowed by section 124(2) of this act and the trial court answers affirmatively the question posed by section 125(4) of this act, the defendant shall be sentenced to death. The trial court may not suspend or defer the execution or imposition of the sentence.

(2) If the jury does not return an affirmative answer to the question posed in section 125(4) of this act, the defendant shall be sentenced to life imprisonment as provided in section 122(1) of this act.

NEW SECTION. Sec. 128. If any sentence of death imposed pursuant to this chapter is commuted by the governor, or held to be invalid by a final judgment of a court after all avenues of appeal have been exhausted by the parties to the action, or if the death penalty established by this chapter is held to be invalid by a final judgment of a court which is binding on all courts in the state, the sentence for aggravated first degree murder under this chapter if there was an affirmative response to the question posed by section 125(4) of this act shall be life imprisonment as provided in section 122(1) of this act.

NEW SECTION. Sec. 129. Whenever a defendant is sentenced to death, upon entry of the judgment and sentence in the trial court the sentence shall be reviewed on the record by the supreme court of Washington.

Within ten days of the entry of a judgment and sentence imposing the death penalty, the clerk of the trial court shall transmit notice thereof to the clerk of the supreme court of Washington and to the parties. The notice shall include the caption of the case, its cause number, the defendant's name, the crime or crimes of which the defendant was convicted, the sentence imposed, the date of entry of judgment and sentence, and the names and addresses of the attorneys for the parties. The notice shall vest with the supreme court of Washington the jurisdiction to review the sentence of death as provided by this chapter. The failure of the clerk

of the trial court to transmit the notice as required shall not prevent the supreme court of Washington from conducting the sentence review as provided by this chapter.

NEW SECTION. Sec. 130. (1) Within ten days after the entry of a judgment and sentence imposing the death penalty, the clerk of the trial court shall cause the preparation of a verbatim report of the trial proceedings to be commenced.

(2) Within five days of the filing and approval of the verbatim report of proceedings, the clerk of the trial court shall transmit such verbatim report of proceedings together with copies of all of the clerk's papers to the clerk of the supreme court of Washington. The clerk of the supreme court of Washington shall forthwith acknowledge receipt of these documents by providing notice of receipt to the clerk of the trial court, the defendant or his or her attorney, and the prosecuting attorney.

NEW SECTION. Sec. 131. In all cases in which a person is convicted of aggravated first degree murder under this chapter, the trial court shall, within thirty days after the entry of the judgment and sentence, submit a report to the clerk of the supreme court of Washington, to the defendant or his or her attorney, and to the prosecuting attorney which provides the information specified under subsections (1) through (8) of this section. The report shall be in the form of a standard questionnaire prepared and supplied by the supreme court of Washington and shall include the following:

(1) Information about the defendant, including the following:

- (a) Name, date of birth, gender, marital status, and race and/or ethnic origin;
- (b) Number and ages of children;
- (c) Whether his or her parents are living, and date of death where applicable;
- (d) Number of children born to his or her parents;
- (e) The defendant's educational background, intelligence level, and intelligence quotient;
- (f) Whether a psychiatric evaluation was performed, and if so, whether it indicated that the defendant was:

- (i) Able to distinguish right from wrong;
- (ii) Able to perceive the nature and quality of his or her act; and
- (iii) Able to cooperate intelligently with his or her defense;
- (g) Any character or behavior disorders found or other pertinent psychiatric or psychological information;

- (h) The work record of the defendant;
- (i) A list of the defendant's prior convictions including the offense, date, and sentence imposed; and
- (j) The length of time the defendant has resided in Washington and the county in which he or she was convicted.

(2) Information about the trial, including:

- (a) The defendant's plea;
- (b) Whether defendant was represented by counsel;
- (c) Whether there was evidence introduced or instructions given as to defenses to aggravated first degree murder, including excusable homicide, justifiable homicide, insanity, duress, entrapment, alibi, intoxication, or other specific defense;

- (d) Any other offenses charged against the defendant and tried at the same trial and whether they resulted in conviction;

- (e) What aggravating circumstances were alleged against the defendant and which of these circumstances was found to have been applicable; and

- (f) Names and charges filed against other defendant(s) if tried jointly and disposition of the charges.

(3) Information concerning the special sentencing proceeding, including:

- (a) The date the defendant was convicted and date the special sentencing proceeding commenced;

- (b) Whether the jury for the special sentencing proceeding was the same jury that returned the guilty verdict, providing an explanation if it was not;

- (c) Whether there was evidence of mitigating circumstances;
- (d) Whether there was, in the court's opinion, credible evidence of the mitigating circumstances as provided in section 126 of this act;

- (e) The jury's answer to the question posed in section 125(4) of this act;
- (f) The sentence imposed.

(4) Information about the victim, including:

- (a) Whether he or she was related to the defendant by blood or marriage;
- (b) The victim's occupation and whether he or she was an employer or employee of the defendant;

- (c) Whether the victim was acquainted with the defendant, and if so, how well;
- (d) The length of time the victim resided in Washington and the county;
- (e) Whether the victim was the same race and/or ethnic origin as the defendant;
- (f) Whether the victim was the same sex as the defendant;
- (g) Whether the victim was held hostage during the crime and if so, how long;

(h) The nature and extent of any physical harm or torture inflicted upon the victim prior to death;

(i) The victim's age; and

(j) The type of weapon used in the crime, if any.

(5) Information about the representation of the defendant, including:

(a) Date counsel secured;

(b) Whether counsel was retained or appointed, including the reason for appointment;

(c) The length of time counsel has practiced law and nature of his or her practice; and

(d) Whether the same counsel served at both the trial and special sentencing proceeding, and if not, why not.

(6) General considerations, including:

(a) Whether the race and/or ethnic origin of the defendant, victim, or any witness was an apparent factor at trial;

(b) What percentage of the county population is the same race and/or ethnic origin of the defendant;

(c) Whether members of the defendant's or victim's race and/or ethnic origin were represented on the jury;

(d) Whether there was evidence that such members were systematically excluded from the jury;

(e) Whether the sexual orientation of the defendant, victim, or any witness was a factor in the trial;

(f) Whether any specific instruction was given to the jury to exclude race, ethnic origin, or sexual orientation as an issue;

(g) Whether there was extensive publicity concerning the case in the community;

(h) Whether the jury was instructed to disregard such publicity;

(i) Whether the jury was instructed to avoid any influence of passion, prejudice, or any other arbitrary factor when considering its verdict or its findings in the special sentencing proceeding;

(j) The nature of the evidence resulting in such instruction; and

(k) General comments of the trial judge concerning the appropriateness of the sentence considering the crime, defendant, and other relevant factors.

(7) Information about the chronology of the case, including the date that:

(a) The defendant was arrested;

(b) Trial began;

(c) The verdict was returned;

(d) Post-trial motions were ruled on;

(e) Special sentencing proceeding began;

(f) Sentence was imposed;

(g) Trial judge's report was completed; and

(h) Trial judge's report was filed.

(8) The trial judge shall sign and date the questionnaire when it is completed.

NEW SECTION. Sec. 132. (1) The sentence review required by section 129 of this act shall be in addition to any appeal. The sentence review and an appeal shall be consolidated for consideration. The defendant and the prosecuting attorney may submit briefs within the time prescribed by the court and present oral argument to the court.

(2) With regard to the sentence review required by this chapter, the supreme court of Washington shall determine:

(a) Whether there was sufficient evidence to justify the affirmative finding to the question posed by section 125(4) of this act; and

(b) Whether the sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant. For the purposes of this subsection, 'similar cases' means cases reported in the Washington Reports or Washington Appellate Reports since January 1, 1965, in which the judge or jury considered the imposition of capital punishment regardless of whether it was imposed or executed, and cases in which reports have been filed with the supreme court under section 131 of this act; and

(c) Whether the sentence of death was brought about through passion or prejudice.

NEW SECTION. Sec. 133. Upon completion of a sentence review:

(1) The supreme court of Washington shall invalidate the sentence of death and remand the case to the trial court for resentencing in accordance with section 128 of this act if:

(a) The court makes a negative determination as to the question posed by section 132(2)(a) of this act; or

(b) The court makes an affirmative determination as to either of the questions posed by section 132(2)(b) or (c) of this act.

(2) The court shall affirm the sentence of death and remand the case to the trial court for execution in accordance with section 135 of this act if:

(a) The court makes an affirmative determination as to the question posed by section 132(2)(a) of this act; and

(b) The court makes a negative determination as to the question posed by section 132(2)(b) and (c) of this act.

NEW SECTION. Sec. 134. In all cases in which a sentence of death has been imposed, the appellate review, if any, and sentence review to or by the supreme court of Washington shall be decided and an opinion on the merits shall be filed within one year of receipt by the clerk of the supreme court of Washington of the verbatim report of proceedings and clerk's papers filed under section 129 of this act. If this time requirement is not met, the chief justice of the supreme court of Washington shall state on the record the extraordinary and compelling circumstances causing the delay and the facts supporting such circumstances. A failure to comply with the time requirements of this subsection shall in no way preclude the ultimate execution of a sentence of death.

NEW SECTION. Sec. 135. If a death sentence is affirmed and the case remanded to the trial court as provided in section 133(2) of this act, a death warrant shall forthwith be issued by the clerk of the trial court, which shall be signed by a judge of the trial court and attested by the clerk thereof under the seal of the court. The warrant shall be directed to the superintendent of the state penitentiary and shall state the conviction of the person named therein and the judgment and sentence of the court, and shall appoint a day on which the judgment and sentence of the court shall be executed by the superintendent, which day shall not be less than thirty nor more than ninety days from the date the trial court receives the remand from the supreme court of Washington.

NEW SECTION. Sec. 136. The defendant shall be imprisoned in the state penitentiary within ten days after the trial court enters a judgment and sentence imposing the death penalty and shall be imprisoned both prior to and subsequent to the issuance of the death warrant as provided in section 135 of this act. During such period of imprisonment, the defendant shall be confined in the segregation unit, where the defendant may be confined with other prisoners not under sentence of death, but prisoners under sentence of death shall be assigned to single-person cells.

NEW SECTION. Sec. 137. (1) The punishment of death shall be supervised by the superintendent of the penitentiary and shall be inflicted either by hanging by the neck or, at the election of the defendant, by intravenous injection of a substance or substances in a lethal quantity sufficient to cause death and until the defendant is dead. In any case, death shall be pronounced by a licensed physician.

(2) All executions, for both men and women, shall be carried out within the walls of the state penitentiary.

NEW SECTION. Sec. 138. (1) The superintendent of the state penitentiary shall keep in his or her office as part of the public records a book in which shall be kept a copy of each death warrant together with a complete statement of the superintendent's acts pursuant to such warrants.

(2) Within twenty days after each execution of a sentence of death, the superintendent of the state penitentiary shall return the death warrant to the clerk of the trial court from which it was issued with the superintendent's return thereon showing all acts and proceedings done by him or her thereunder.

NEW SECTION. Sec. 139. Whenever the day appointed for the execution of a defendant shall have passed, from any cause whatever, without the execution of such defendant having occurred, the trial court which issued the original death warrant shall issue a new death warrant in accordance with section 135 of this act. The defendant's presence before the court is not required. However, nothing in this section shall be construed as restricting the defendant's right to be represented by counsel in connection with issuance of a new death warrant.

NEW SECTION. Sec. 140. Sections 120 through 139 of this act shall constitute a new chapter in Title 10 RCW."

Mr. Patrick spoke in favor of adoption of the amendment, and Representatives Pruitt and Cole spoke against it.

POINT OF INQUIRY

Mr. Patrick yielded to question by Ms. Schmidt.

Ms. Schmidt: Representative Patrick, it is my understanding that the amendment that is before us would create a totally new section within our RCW, that there is no reference in this amendment to any of the existing capital punishment statutes, and that there is not opportunity, whatsoever, in any of our actions today that would jeopardize the current statute or allow for a prolonging of the current appeal process of the existing law. Is that your understanding?

Mr. Patrick: Thank you, Representative Schmidt. Your understanding is correct. This amendment creates a totally separate death penalty for pushers and does not amend current death penalty law in the State of Washington.

Representatives Belcher and R. Meyers spoke against the amendment, and Mr. Patrick again spoke in favor of it.

The amendment was not adopted.

The Clerk read the following amendment by Mr. R. Meyers:
On page 27, beginning on line 19, strike all of subsection (12)

With consent of the House, Mr. R. Meyers withdrew the amendment.

Mr. Padden moved adoption of the following amendment:
On page 27, beginning on line 19, strike all of subsection (12)

Mr. Padden spoke in favor of adoption of the amendment.

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

Representatives Wineberry, Braddock and Locke spoke against the amendment, and Representatives Patrick and Brough spoke in favor of it. Mr. Padden again spoke in favor of the amendment, and Representatives Nutley, Heavey and Vekich opposed it. Representatives R. Meyers, Van Luven, Appelwick and Baugher spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Mr. Padden to Second Substitute House Bill No. 1793, and the amendment was adopted by the following vote: Yeas, 59; nays, 38; excused, 1.

Voting yea: Representatives Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Cooper, Dorn, Doty, Ebersole, Ferguson, Fisher G. Fuhrman, Grant, Hankins, Haugen, Holland, Horn, Inslee, Jesernig, Kremen, May, McLean, Meyers R. Miller, Morris, Moyer, Myers H. Nealey, Padden, Patrick, Prince, Ratter, Rasmussen, Rayburn, Rector, Schmidt, Schoon, Scott, Silver, Smith, Sommers D. Sprengle, Tate, Todd, Van Luven, Walk, Walker, Wilson S. Winsley, Wolfe, Wood, Youngsman, Zellinsky - 59.

Voting nay: Representatives Anderson, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Crane, Day, Dellwo, Fisher R. Fraser, Gallagher, Hargrove, Heavey, Hine, Jacobsen, Jones, King P. King R. Leonard, Locke, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Rust, Sayan, Sommers H. Spanel, Valle, Vekich, Wang, Wineberry, and Mr. Speaker - 38.

Excused: Representative Wilson K - 1.

Mr. Wineberry moved adoption of the following amendments by Representatives Wineberry, Crane, Phillips, Silver, Locke and Hargrove:

On page 21, beginning on line 19, strike all of sections 201 through 205 and insert the following:

***NEW SECTION.** Sec. 201. The legislature finds that the unlawful manufacture, sale, and distribution of controlled substances is becoming more prevalent and violent, resulting in increased danger to law enforcement officers engaged in the enforcement of the uniform controlled substances act, and that the interception of conversations between law enforcement officers and persons engaged in such unlawful activity is necessary in certain situations to protect against this increased danger.

Therefore, balancing the constitutional and statutory guarantees of privacy against the need to protect the lives and safety of law enforcement officers, the legislature finds that conversations regarding illegal drug operations may be intercepted, transmitted, and recorded under certain limited circumstances. The purpose of permitting limited interception, transmission, and recording shall be to protect the safety of law enforcement officers in those situations where the need for protection can be demonstrated.

Sec. 202. Section 1, chapter 48, Laws of 1970 ex. sess. as last amended by section 2, chapter 38, Laws of 1986 and RCW 9.73.090 are each amended to read as follows:

(1) The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police, fire, emergency medical service, emergency communication center, and poison center personnel in the following instances:

(a) Recording incoming telephone calls to police and fire stations, licensed emergency medical service providers, emergency communication centers, and poison centers;

(b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

(i) The arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording;

(ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof;

(iii) At the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording;

(iv) The recordings shall only be used for valid police or court activities.

(2) It shall not be unlawful for a law enforcement officer acting in the performance of the officer's official duties to intercept, record, or disclose an oral communication or conversation where the officer is a party to the communication or conversation or one of the parties to the communication or conversation has given prior consent to the interception, recording, or disclosure: PROVIDED, That prior to the interception, transmission, or recording the officer shall obtain written or telephonic authorization from a judge or magistrate, who shall approve the interception, recording, or disclosure of communications or conversations with a nonconsenting party for a reasonable and specified period of time, if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony: PROVIDED HOWEVER, That if such authorization is given by telephone the authorization and officer's statement justifying such authorization must be electronically recorded (~~by the judge or magistrate on a recording device in the custody of the judge or magistrate at the time transmitted and~~). The recording shall commence with an indication of the time the recording is beginning and terminate with an indication of the time the recording is ending, and shall be delivered to the court within twenty-four hours of the time the recording was made. The recording shall be retained in the court records and reduced to writing as soon as possible thereafter.

Any recording or interception of a communication or conversation incident to a lawfully recorded or intercepted communication or conversation pursuant to this subsection shall be lawful and may be divulged.

All recordings of communications or conversations made pursuant to this subsection shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded. If any crime is charged based on the events or communications or conversations recorded, then all related recordings or notes shall be preserved and made available to a defendant or his or her attorney subject to further order of the court.

(3) In each superior court judicial district in Washington there shall be available twenty-four hours a day at least one judge or magistrate designated to receive telephonic requests for authorizations that may be issued pursuant to subsection (2) of this section. The presiding judge in each superior court district shall establish a schedule of rotation for the judges of the courts and magistrates in that judicial district for purposes of ensuring the availability of at least one judge or magistrate at all times. During the period that each judge or magistrate is designated, he or she shall be equipped with an electronic paging device when not present at his or her usual telephone. It shall be the designated judge's or magistrate's responsibility to ensure that all attempts to reach him or her for purposes of requesting authorization pursuant to subsection (2) of this section are forwarded to the electronic page number when the judge or magistrate leaves the place where he or she would normally receive such calls.

(4) If the judge or magistrate determines that there is probable cause to believe that the communication or conversation concerns the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell controlled substances as defined in chapter 69.50 RCW, legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, the judge or magistrate may authorize the interception, recording, or disclosure of communications or conversations under subsection (2) of this section even though the true name of the nonconsenting party, or the particular time and place for the interception, recording, or disclosure, is not known at the time of the request, if the authorization describes the nonconsenting party and subject matter of the communication or conversation with reasonable certainty under the circumstances. Any such communication or conversation may be intercepted, recorded, or disclosed as authorized notwithstanding a change in the time or location of the communication or conversation after the authorization has been obtained or the presence of or participation in the communication or conversation by any additional party not named in the authorization.

(5) Communications or conversations authorized to be intercepted, recorded, or disclosed by this section shall not be inadmissible under RCW 9.73.050.

~~((4))~~ (6) Authorizations issued under subsection (2) of this section shall be effective for not more than seven days, after which period the issuing authority may upon application of the officer who secured the original authorization renew or continue the authorization for ((am)) additional periods not to exceed seven days. The authorization is valid in other jurisdictions in Washington if unforeseen persons are introduced to the consenting party by the nonconsenting party and if the consenting party is invited by a nonconsenting party to enter another jurisdiction.

NEW SECTION. Sec. 203. A new section is added to chapter 9.73 RCW to read as follows:

(1) If a law enforcement officer is to be the consenting party to a communication or conversation permitted in RCW 9.73.090(2), and if the chief law enforcement officer of a law enforcement agency or his or her designee above the rank of first line supervisor determines that there are specific facts indicating that the safety of the law enforcement officer who is to be the consenting party is in danger, and attempts to contact the judge or magistrate designated

in RCW 9.73.090(3) for purposes of obtaining judicial authorization pursuant to RCW 9.73.090(2) are unsuccessful, the agency's chief officer or designee may, for the sole purpose of protecting the safety of the law enforcement officer who is the consenting party, authorize the interception and transmission of a private conversation or communication concerning the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell controlled substances as defined in chapter 69.50 RCW, legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW.

(2) A conversation or communication intercepted and transmitted pursuant to subsection (1) of this section may be recorded by any electronic or other device designed to record the conversation or communication regardless of how the device is powered or activated, and contemporaneous notes or transcriptions of the conversation or communication may be made. However, no recollection, recording, transcription, or notes of such an interception and transmission are admissible in any civil or criminal case in any court of general or limited jurisdiction in this state, except when introduced with approval of a court and pursuant to court rules and then only:

(a) With the permission of a party to the conversation or communication who has not consented to the interception or transmission;

(b) In a prosecution for a serious violent offense as defined in RCW 9.94.030; or

(c) In a civil action for personal injury or wrongful death arising out of the incident, in which a party who consented to the interception and transmission was a victim of the offense.

(3) Before any interception or transmission of a private conversation or communication pursuant to this section, the agency's chief officer or designee making the determination required by subsection (1) of this section shall complete a written authorization indicating:

(a) That unsuccessful good faith attempts were made to contact the judge or magistrate designated in RCW 9.73.090(2) for authorization for the interception under RCW 9.73.090. The report shall contain specific details regarding the attempted contacts, including:

(i) The name of the designated judge or magistrate whom the agency attempted to contact;

(ii) The exact dates and times of the attempted contacts; and

(iii) The method or methods of the attempted contacts;

(b) The basis for probable cause to believe that a nonconsenting party to the conversation or communication has committed or will commit an offense listed in subsection (1) of this section;

(c) The names of the authorizing and consenting parties;

(d) The date the authorization is given;

(e) The identities of the persons, including the consenting party, expected to participate in the conversation, and including the particular person, if known, who may have committed or may commit the offense;

(f) The details of the particular offense that may have been or may be committed;

(g) The expected date, location, and approximate time of the conversation or communication to be intercepted; and

(h) A detailed statement of the reasons for believing that the consenting party's safety will be endangered.

(4) By the end of the next judicial day after any authorization under this section, the law enforcement agency making the authorization shall submit the report required by subsection (3) of this section to the presiding judge of a superior court having jurisdiction over the offense involved and shall mail a copy of the report to the office of the administrator for the courts and to any judge identified in the report. In a multicounty judicial district or in the absence of the presiding judge, the report may be submitted to the court clerk for the presiding judge.

(5) Any information obtained in violation of RCW 9.73.030 or pursuant to an order issued under RCW 9.73.040 shall be inadmissible in any civil or criminal case in all courts of general or limited jurisdiction in this state, except:

(a) For the limited purpose of allowing any person who did not consent to the recording to impeach a witness in any proceeding;

(b) With the permission of the person whose communication or conversation was recorded without his or her knowledge; or

(c) In a criminal action in which the defendant is charged with a crime, the commission of which would jeopardize national security.

(6) Nothing in this section bars the admission of testimony of a participant in the communication or conversation unaided by the information obtained in violation of this section or RCW 9.73.030.

(7) The interception, transmission, or recording of a telephonic communication or conversation under this section is prohibited.

(8) This section shall expire on July 1, 1991.

NEW SECTION. Sec. 204. Section 3, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.050 are each repealed."

Renumber the sections consecutively and correct any internal references accordingly.

On page 31, line 22, after "under" strike "sections 202 and 204" and insert "section 203"

On page 31, line 28, after "pursuant to" strike "sections 202 and 204" and insert "section 203"

Mr. Wineberry spoke in favor of adoption of the amendments, and Mr. Patrick opposed them.

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

Ms. Nutley spoke in favor of the amendments, and Mr. R. Meyers spoke against them.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Mr. Wineberry and others to Second Substitute House Bill No. 1793, and the amendments were not adopted by the following vote: Yeas, 31; nays, 66; excused, 1.

Voting yea: Representatives Anderson, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Fisher R. Gallagher, Hargrove, Jacobsen, Jones, King R. Leonard, Locke, Nelson, Nutley, O'Brien, Phillips, Prentice, Pruitt, Rust, Sayan, Spanel, Valle, Vekich, Wang, Wineberry, and Mr. Speaker - 31.

Voting nay: Representatives Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cooper, Dorn, Doty, Ebersole, Ferguson, Fisher G. Fraser, Fuhrman, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jesernig, King P. Kremen, May, McLean, Meyers R. Miller, Morris, Moyer, Myers H. Nealey, Padden, Patrick, Peery, Prince, Raiter, Rasmussen, Rayburn, Rector, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Sprenkle, Tate, Todd, Van Luven, Walk, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 66.

Excused: Representative Wilson K - 1.

Mr. Wineberry moved adoption of the following amendment:

On page 27, after line 21, insert:

"(13) This section shall expire on July 1, 1991."

Mr. Wineberry spoke in favor of adoption of the amendment, and Representatives Padden and Appelwick opposed it.

The amendment was not adopted.

The Clerk read the following amendments by Representatives D. Sommers, Bowman, Moyer, Doty, Youngsman, Betzoff and Ferguson:

On page 53, line 5, after "efforts," insert "such as the Drug Abuse Resistance Education (D.A.R.E.) program."

On page 54, line 3, after "activities" insert ", which may include the implementation of a program substantially similar to Drug Abuse Resistance Education (D.A.R.E.)"

On page 55, line 31, after "abuse" insert ", which may include the implementation of a program substantially similar to Drug Abuse Resistance Education (D.A.R.E.)"

With consent of the House, Mr. D. Sommers withdrew the amendments.

Mr. Inslee moved adoption of the following amendment by Representatives Inslee, Baugher, Miller, Rayburn, Chandler, Betzoff, Jesernig, Grant, Hankins, Prince, Holland and Doty:

On page 80, line 17, beginning with "Sec. 601." strike all material through "month." on page 81, line 30

Renumber the sections consecutively and correct any internal references accordingly

Representatives Inslee, Baugher, Doty and Rayburn spoke in favor of adoption of the amendment, and Representatives Zellinsky, Locke, Patrick and H. Sommers spoke against it.

The amendment was not adopted.

The Clerk read the following amendment by Representatives P. King, Gallagher, Grant, Heavey, Day, Wineberry, Scott, Ferguson, Vekich, Miller, Nealey, R. Meyers, Hankins and S. Wilson:

On page 84, line 32, strike Section 605, and renumber the remaining sections consecutively

With consent of the House, Mr. P. King withdrew the amendment.

Mr. Wang moved adoption of the following amendment by Representatives Wang and Ebersole:

Beginning on page 85, line 20, strike all of section 606 and insert:

"NEW SECTION, Sec. 606. A new section is added to chapter 82.02 RCW to read as follows:

(1) The intent of this section is to review the dedication of tax revenues for drug enforcement and education, and to terminate the dedication of revenues for drug enforcement and education purposes unless the legislature expressly extends the dedication by amendment of this section. Review or termination of revenue dedication under this section is not intended to imply a termination of the programs and purposes funded through the drug enforcement and education account.

(2) The legislative budget committee shall cause to be conducted a review of the dedication of revenues for drug enforcement and education purposes. The legislative budget committee shall report its findings to the legislature by January 1, 1995, and include in its report specific recommendations as to whether public policy would be best served by continuation of the dedication of revenues for the drug enforcement and education account, or by depositing these revenues in the general fund.

(3) All revenues collected under RCW 66.24.210(4), 66.24.290(4), 82.08.150(8), 82.24.020(4), and 82.26.020(3) shall be deposited as follows:

(a) Revenues collected for taxable events occurring before July 1, 1995, shall be deposited in the drug enforcement and education account created in section 501 of this act.

(b) Revenues collected for taxable events occurring on and after July 1, 1995, shall be deposited in the state general fund.*

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

The Clerk read the following amendment by Representative Fuhrman:

On page 86, after line 20, insert the following:

*Sec. 608, Section 1, chapter 32, Laws of 1985 and RCW 82.08.020 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, there is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and there shall be collected a tax on each retail sale of adult entertainment materials and services equal to twenty-five percent of the selling price.

(3) The tax imposed under this chapter shall apply to successive retail sales of the same property.

~~((3))~~ (4) The rates provided in this section ~~((applies))~~ apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 609, Section 82.08.010, chapter 15, Laws of 1961 as last amended by section 3, chapter 38, Laws of 1985 and RCW 82.08.010 are each amended to read as follows:

For the purposes of this chapter:

(1) 'Selling price' means the consideration, whether money, credits, rights, or other property except trade-in property of like kind, expressed in the terms of money paid or delivered by a buyer to a seller without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes other than taxes imposed under this chapter if the seller advertises the price as including the tax or that the seller is paying the tax, or any other expenses whatsoever paid or accrued and without any deduction on account of losses; but shall not include the amount of cash discount actually taken by a buyer; and shall be subject to modification to the extent modification is provided for in RCW 82.08.080.

When tangible personal property is rented or leased under circumstances that the consideration paid does not represent a reasonable rental for the use of the articles so rented or leased, the 'selling price' shall be determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department of revenue may prescribe((:)).

(2) 'Seller' means every person, including the state and its departments and institutions, making sales at retail or retail sales to a buyer or consumer, whether as agent, broker, or principal, except 'seller' does not mean the state and its departments and institutions when making sales to the state and its departments and institutions((:)).

(3) 'Buyer' and 'consumer' include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, municipal corporation, quasi municipal corporation, and also the state, its departments and institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, and also the United States or any instrumentality thereof((:)).

(4) 'Adult entertainment materials and services' means those entertainment materials and services that are primarily oriented to an interest in sex, including but not limited to magazines, photographs, motion pictures, videotapes, videodiscs, cable television services, telephone services, audiotapes, computer programs, and paraphernalia. 'Adult entertainment materials and services' does not include (a) books or magazines that contain no photographs or other graphics or (b) motion pictures, videotapes, videodiscs, or cable television services that do not

contain any explicit sex of the type that would be rated 'X' using the standards existing on January 1, 1989, of the Motion Picture Association of America, Inc. Any motion picture, videotape, videodisc, cable television service, or other visual medium that contains any explicit sex of the type that would be rated 'X' using these standards shall be considered to be primarily oriented to an interest in sex.

(5) The meaning attributed in chapter 82.04 RCW to the terms 'tax year,' 'taxable year,' 'person,' 'company,' 'sale,' 'sale at retail,' 'retail sale,' 'sale at wholesale,' 'wholesale,' 'business,' 'engaging in business,' 'cash discount,' 'successor,' 'consumer,' 'in this state' and 'within this state' shall apply equally to the provisions of this chapter.

Sec. 610. Section 82.12.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 132, Laws of 1985 and by section 1, chapter 222, Laws of 1985 and RCW 82.12.010 are each reenacted and amended to read as follows:

For the purposes of this chapter:

(1) 'Value of the article used' shall mean the consideration, whether money, credit, rights, or other property except trade-in property of like kind, expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the article of tangible personal property, the use of which is taxable under this chapter. The term includes, in addition to the consideration paid or given or contracted to be paid or given, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules and regulations as the department of revenue may prescribe.

In case the articles used are acquired by bailment, the value of the use of the articles so used shall be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules and regulations as the department of revenue may prescribe: PROVIDED, That in case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component of, new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of the use of such articles so used shall be determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules and regulations as the department of revenue may prescribe.

In the case of articles owned by a user engaged in business outside the state which are brought into the state for no more than ninety days in any period of three hundred sixty-five consecutive days and which are temporarily used for business purposes by the person in this state, the value of the article used shall be an amount representing a reasonable rental for the use of the articles, unless the person has paid tax under this chapter or chapter 82.08 RCW upon the full value of the article used, as defined in the first paragraph of this subsection.

In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used shall be determined according to the value of the ingredients of such articles.

In the case of an article manufactured or produced for purposes of serving as a prototype for the development of a new or improved product, the value of the article used shall be determined by: (a) The retail selling price of such new or improved product when first offered for sale; or (b) the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

(2) 'Value of the service used' shall mean the consideration paid, whether money, credit, rights, or other property, expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the service, the use of which is taxable under this chapter. If the service is received by gift or under conditions wherein the purchase price does not represent the true value of the service, the value of the service used shall be determined as nearly as possible according to the retail selling price at the place of use of similar services of like quality and character under rules prescribed by the department of revenue.

(3) 'Use,' 'used,' 'using,' or 'put to use' shall have their ordinary meaning, and shall mean:

(a) With respect to personal property, the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, or any other act preparatory to subsequent actual use or consumption within this state; and

(b) With respect to an adult entertainment service which affords a benefit or is otherwise capable of use within this state, the use within this state of the service, regardless of the place of performance.

((3)) (4) 'Taxpayer' and 'purchaser' include all persons included within the meaning of the word 'buyer' and the word 'consumer' as defined in chapters 82.04 and 82.08 RCW((:)).

((4)) (5) 'Retailer' means every seller as defined in RCW 82.08.010 and every person engaged in the business of selling tangible personal property or adult entertainment services at retail and every person required to collect from purchasers the tax imposed under this chapter((:)).

((5)) (6) The meaning ascribed to words and phrases in chapters 82.04 and 82.08 RCW, insofar as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this chapter. 'Consumer,' in addition to the meaning ascribed to it in chapters 82.04 and 82.08 RCW insofar as applicable, shall also mean any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services. In addition, 'consumer' includes any person who purchases, acquires, or uses any adult entertainment service other than for resale in the regular course of business. Resale of a service means a separately stated charge to another person for the service by a person who has paid or is obligated to pay an identical charge to one who has originally rendered the identical service.

Sec. 611. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 7, chapter 7, Laws of 1983 and RCW 82.12.020 are each amended to read as follows:

There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property or adult entertainment service purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04-.280, subsections (2) or (7). This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property or adult entertainment services of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property or services from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used or the value of the service used by the taxpayer multiplied by the rate in effect for the retail sales tax under RCW 82.08.020, as now or hereafter amended, in the county in which the article or service is used.

Sec. 612. Section 52, chapter 37, Laws of 1980 and RCW 82.12.0252 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of any article of tangible personal property or adult entertainment service purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 or 82.12 RCW and such tax has been paid by the present user or by his bailor or donor; or in respect to the use of property acquired by bailment and such tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 or 82.12 RCW as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and such original bailment was prior to June 9, 1961.

Sec. 613. Section 5, chapter 89, Laws of 1967 ex. sess. as amended by section 2, chapter 27, Laws of 1987 and RCW 82.12.035 are each amended to read as follows:

A credit shall be allowed against the taxes imposed by this chapter upon the use of tangible personal property or adult entertainment services in the state of Washington in the amount that the present user thereof or his or her bailor or donor has paid a retail sales or use tax with respect to such property or service to any other state of the United States, any political subdivision thereof, the District of Columbia, and any foreign country or political subdivision thereof, prior to the use of such property or services in Washington.

Sec. 614. Section 82.12.040, chapter 15, Laws of 1961 as last amended by section 1, chapter 48, Laws of 1986 and RCW 82.12.040 are each amended to read as follows:

(1) Every person who maintains in this state a place of business or a stock of goods, or engages in business activities within this state, shall obtain from the department a certificate of registration, and shall, at the time of making sales, or making transfers of either possession or title or both, of tangible personal property or adult entertainment services for use in this state,

collect from the purchasers or transferees the tax imposed under this chapter. For the purposes of this chapter, the phrase 'maintains in this state a place of business' shall include the solicitation of sales and/or taking of orders by sales agents or traveling representatives. For the purposes of this chapter, 'engages in business activity within this state' includes every activity which is sufficient under the Constitution of the United States for this state to require collection of tax under this chapter. The department shall in rules specify activities which constitute engaging in business activity within this state, and shall keep the rules current with future court interpretations of the Constitution of the United States.

(2) Every person who engages in this state in the business of acting as an independent selling agent for persons who do not hold a valid certificate of registration, and who receives compensation by reason of sales of tangible personal property or adult entertainment services of his or her principals (made) for use in this state, shall, at the time such sales are made, collect from the purchasers the tax imposed under this chapter, and for that purpose shall be deemed a retailer as defined in this chapter.

(3) The tax required to be collected by this chapter shall be deemed to be held in trust by the retailer until paid to the department and any retailer who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax provided herein to the extent that the money required to be collected is not available for payment on the due date as prescribed shall be guilty of a misdemeanor. In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay the same to the department in the manner prescribed, whether such failure is the result of his or her own acts or the result of acts or conditions beyond his or her control, he or she shall nevertheless, be personally liable to the state for the amount of such tax.

(4) Any retailer who refunds, remits, or rebates to a purchaser, or transferee, either directly or indirectly, and by whatever means, all or any part of the tax levied by this chapter shall be guilty of a misdemeanor.

Sec. 615. Section 82.12.060, chapter 15, Laws of 1961 as last amended by section 54, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.12.060 are each amended to read as follows:

In the case of installment sales and leases of personal property or adult entertainment services, the department, by regulation, may provide for the collection of taxes upon the installments of the purchase price, or amount of rental, as of the time the same fall due.

In the case of property acquired by bailment, the department, by regulation, may provide for payment of the tax due in installments based on the reasonable rental for the property as determined under RCW 82.12.010(1).

Sec. 616. Section 3, chapter 94, Laws of 1970 ex. sess. as last amended by section 31, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.14.020 are each amended to read as follows:

For purposes of this chapter:

(1) A retail sale consisting solely of the sale of tangible personal property shall be deemed to have occurred at the retail outlet at or from which delivery is made to the consumer;

(2) Except as provided in subsection (5) of this section, a retail sale consisting essentially of the performance of personal business or professional services or adult entertainment services shall be deemed to have occurred at the place at which such services were primarily performed;

(3) A retail sale consisting of the rental of tangible personal property shall be deemed to have occurred (a) in the case of a rental involving periodic rental payments, at the primary place of use by the lessee during the period covered by each payment, or (b) in all other cases, at the place of first use by the lessee;

(4) A retail sale within the scope of the second paragraph of RCW 82.04.050, and a retail sale of 'taxable personal property to be installed by the seller shall be deemed to have occurred at the place where the labor and services involved were primarily performed;

(5) A retail sale consisting of the providing to a consumer of telephone service, as defined in RCW 82.04.065, other than a sale of tangible personal property under subsection (1) of this section or a rental of tangible personal property under subsection (3) of this section, shall be deemed to have occurred at the situs of the telephone or other instrument through which the telephone service is rendered;

(6) 'City' means a city or town;

(7) The meaning ascribed to words and phrases in chapters 82.04, 82.08 and 82.12 RCW, as now or hereafter amended, insofar as applicable, shall have full force and effect with respect to taxes imposed under authority of this chapter;

(8) 'Taxable event' shall mean any retail sale, or any use of an article of tangible personal property, upon which a state tax is imposed pursuant to chapter 82.08 or 82.12 RCW, as they now exist or may hereafter be amended: PROVIDED, HOWEVER, That the term shall not include a retail sale taxable pursuant to RCW 82.08.150, as now or hereafter amended;

(9) 'Treasurer or other legal depository' shall mean the treasurer or legal depository of a county or city."

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

Ms. H. Sommers moved adoption of the following amendment by Representatives H. Sommers, Silver and Hine:

On page 87, following line 14, insert:

NEW SECTION, Sec. 706. (1) In order to determine the effectiveness of this act, it is necessary to have an independent evaluation of those programs that have the most potential for useful program review.

(2) The legislative budget committee shall prepare a plan to conduct studies of the effectiveness of programs initiated in this act. A plan for study shall include:

- (a) The regimented inmate discipline program;
- (b) The juvenile offenders structured residential program;
- (c) The state-wide drug prosecution assistance program;
- (d) Community mobilization;
- (e) Drug and alcohol abuse prevention and early intervention in schools; and
- (f) Maternity care support services for alcohol and drug-abusing pregnant women.

(3) The plan for conducting studies, including start and completion dates, general research approaches, potential research problems, data requirements, necessary implementation authority, and cost estimates are to be provided to the appropriate policy and fiscal committees of the house and senate by December 31, 1989. The plan may include proposals to use contract evaluators and shall identify ways to measure program progress and outcomes.

(4) In order to establish a beginning point for any future studies of the effectiveness of programs initiated in this act, all programs proposed for analysis in this section shall submit a plan detailing expenditures related to goals and objectives of the program being initiated, to the legislative budget committee by October 1, 1989.*

Representatives H. Sommers and Silver spoke in favor of adoption of the amendment, and it was adopted.

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

Representatives Ebersole, Patrick, Walker, Wolfe, Ballard, Rasmussen, Winsley, Dorn, Chandler, Heavey and Appelwick spoke in favor of passage of the bill, and Representatives Leonard, Wineberry and Locke opposed it.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1793, and the bill passed the House by the following vote: Yeas, 89; nays, 8; excused, 1.

Voting yea: Representatives Appelwick, Ballard, Basich, Baugher, Beck, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, O'Brien, Padden, Patrick, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Anderson, Belcher, Leonard, Locke, Nutley, Phillips, Rust, Wineberry - 8.

Excused: Representative Wilson K - 1.

Engrossed Second Substitute House Bill No. 1793, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

INTRODUCTIONS AND FIRST READING

HB 2204 by Representatives Todd, Crane, Baugher, Rayburn, Rasmussen, Fuhrman and Kremen

AN ACT Relating to an equine program at Washington State University; adding a new section to chapter 28B.30 RCW; creating a new section; and making an appropriation.

Referred to Committee on Appropriations.

HB 2205 by Representatives Todd, Phillips, Wang, Prentice, Leonard, Cole, Nelson, Brekke and Crane

AN ACT Relating to aircraft fuel taxes.

Referred to Committee on Revenue.

MOTION

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

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

MOTIONS

On motion of Mr. Ebersole, House Bill No. 1366 was referred from Committee on Rules to Committee on Appropriations.

On motion of Mr. Ebersole, House Bill No. 1557 was referred from Committee on Rules to Committee on Appropriations.

On motion of Mr. Ebersole, House Bill No. 1713 was referred from Committee on Appropriations to Committee on Rules.

On motion of Mr. Ebersole, House Bill No. 2059 was referred from Committee on Rules to Committee on Revenue.

On motion of Mr. Ebersole, House Bill No. 2096 was referred from Committee on Appropriations to Committee on Capital Facilities & Financing.

On motion of Mr. Ebersole, House Bill No. 2182 was referred from Committees on Housing/Appropriations to Committee on Revenue.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:30 a.m., Monday, March 6, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, March 6, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Betzoff, Heavey, Locke, Miller and Todd. On motion of Ms. Fraser, Representatives Appelwick and Todd were excused. On motion of Ms. Bowman, Representatives Betzoff and Miller were excused.

The flag was escorted to the rostrum by Eagle Scout Curt Bishop, Inland Northwest Council and Eagle Scout Anthony Miller, Mt. Rainier Council. Prayer was offered by The Reverend Dr. Walter Pulliam, Senior Pastor of the First Baptist Church of Olympia.

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

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

March 6, 1989

On this day in 1889, small pox was reported at Olympia. A cynical newspaper responded that that was not astonishing: "Almost anything is likely to break out in Olympia...."

On March 6, 1916 the fifth fire in a year destroyed the Moclips Hotel, and on March 6, 1920 the Milwaukee Road sponsored a contest in Kent between an electric locomotive and a steam locomotive.

And on this day in 1961 Western Washington College of Education and eastern Washington colleges of education became Western Washington State College, Eastern Washington State College, and Central Washington State College as the Governor signed a bill to that effect.

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

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 89-4628, by Representatives Silver, Day, Dorn, R. Meyers, Chandler, Wineberry, Braddock, Belcher, Cole, McLean, Brumsickle, Ferguson, Winsley, Van Luven, Wood, Grant, Betzoff, Fuhrman, Brough, Youngsman, Tate, Wolfe, Horn, Padden, Nealey, Doty, Bowman, D. Sommers, Moyer, Schmidt, Dellwo, Rector, Holland, Baugher, Crane and Kremen

WHEREAS, Monday, March 6, 1989 is the seventy-ninth anniversary of the Boy Scouts of America and marks the beginning of Boy Scout Anniversary Week; and

WHEREAS, Since 1910 over eighty-five million people have participated in Boy Scout programs in this country; and

WHEREAS, Scouting has maintained a strong presence and influence in every state through four hundred eleven local councils nationwide and has organizations on every continent throughout the world; and

WHEREAS, Scouting promotes respect for God, family and country; and

WHEREAS, The Boy Scout law inspires people to be always trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent; and

WHEREAS, Boy Scout programs have played a significant role in the lives of many of our national and state political leaders; and

WHEREAS, Former President Gerald R. Ford; former United States Senator Daniel J. Evans; and Ellison Onizuka, American Astronaut of Japanese descent who

gave his life on the space shuttle Challenger, all attained the rank of Eagle Scout; and

WHEREAS, Several members of our state's Congressional Delegation have been or are connected with Boy Scout programs; and

WHEREAS, Many of the members of this body have participated in Boy Scouting;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives officially recognize the valuable service the Boy Scouts of America have performed and continue to perform for the youth of our state and our country; and

BE IT FURTHER RESOLVED, That the House of Representatives applaud all of our state Boy Scout Councils for a job well done; and

BE IT FURTHER RESOLVED, That the members of this body do all they can in their home districts to promote the programs and ideals of the Boy Scouts of America; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives to the National Office of the Boy Scouts of America in Irving, Texas; the Western Regional Office of the Boy Scouts in Sunnyvale, California; and the twelve Boy Scout Councils serving Washington State.

Ms. Silver moved adoption of the resolution. Representatives Silver, Rust, Basich, Van Luven and Wineberry spoke in favor of adoption of the resolution.

House Floor Resolution No. 89-4628 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) recognized Eagle Scout Sean O'Day, Columbia Pacific Council; Eagle Scout David Bruinekool, Fort Simko Council; Eagle Scout Tim Camin, Evergreen Area Council; and Eagle Scout Dave Crane, Lewis Clark Council, who were seated in the rear of the House Chamber.

HOUSE FLOOR RESOLUTION NO. 89-4625, by Representatives H. Myers, Beck and Haugen

WHEREAS, Mitzi Maudlin, as a student of cosmetology at the Clark County Vocational Skills Center, won a first place medal in her cosmetology category's competition with twenty-five Vocational-Industrial Club of America members; and

WHEREAS, Mitzi Maudlin won a first place medal in state competition with Vocational-Industrial Club of America cosmetology members; and

WHEREAS, Mitzi Maudlin won second place honors in the United States Skills Olympics in her category of cosmetology; and

WHEREAS, This victory earned her the opportunity to compete for a place on the 1989 United States International Youth Skills Olympic Team; and

WHEREAS, Mitzi Maudlin won a place on that team which will represent the United States of America in competition at Birmingham, England; and

WHEREAS, After completing her studies in 1987, Mitzi began employment as a hair stylist, and she has earned the praise of her manager and the respect of her peers; and

WHEREAS, Mitzi Maudlin is serving with distinction on the Clark County Vocational Skills Center Cosmetology Advisory Committee;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives salute Mitzi Maudlin for her achievements as a vocational student in regional, state and national competitions and wish her good luck in representing the United States of America and the State of Washington in the Thirtieth Annual International Youth Skills Olympics; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives transmit copies of this Resolution to Mitzi Maudlin of Vancouver and to Mike Bjur, Director of the Clark County Vocational Skills Center.

Ms. H. Myers moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4625 was adopted.

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

REPORTS OF STANDING COMMITTEES

March 4, 1989

HB 1037 Prime Sponsor, Representative Haugen: Creating the marine fish enhancement research program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Fisheries & Wildlife be substituted therefor and the substitute bill do pass with the following amendments by Committee on Appropriations:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds and declares the following:

(1) Declines in various Washington marine species of fish have adversely affected the sport and commercial fishing industries.

(2) Research, development, and technology transfer on the artificial propagation, rearing, and stocking of some marine species are needed.

(3) Funding for this research and development is most appropriately borne by a special fund derived from user fees on sport and commercial fishermen who stand to benefit directly from the resurgence of various marine species.

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

(1) 'Fund' means the marine fish enhancement research fund.

(2) 'Marine fish' means all species for which a personal use license is required except salmon and sturgeon.

(3) 'Program' means the Washington marine fish enhancement research program.

NEW SECTION, Sec. 3. The Washington marine fish enhancement research program is established for the purpose of supporting basic and applied research and technology transfer on the artificial propagation, rearing, and stocking of marine fish species that are important to sport and commercial fishing in the marine and ocean waters of Washington. Research funds shall be allocated between studies of marine fish species important to sport fishers and studies of marine fish important to commercial fishers in proportion to each fishing group's relative financial contribution to the program. Research shall include, but is not limited to: (1) Artificial propagation, rearing, and stocking of marine fishes; (2) ecological requirements necessary to sustain marine fish stocks; (3) population dynamics in order to better understand potential survival patterns; (4) tagging and monitoring programs to evaluate success of stocking programs; and (5) stock identification and genetics research to enable identification of migration patterns and populations of fish stocks.

NEW SECTION, Sec. 4. The program shall be administered by the director with the advice and assistance of the advisory panel created in section 5 of this act.

NEW SECTION, Sec. 5. To assist the director in establishing policy direction for research projects, there is hereby created a marine fish enhancement research advisory panel. The panel shall consist of the following members to be appointed by the director:

(1) One member representing the Washington trawl fisheries, appointed from a list of trawl fishermen who express interest in serving on the advisory panel;

(2) One member representing the Washington commercial halibut fishing industry, appointed from a list of halibut fishermen who express interest in serving on the advisory panel;

(3) One member representing the Washington charter boat fishing industry, appointed from a list of charter boat owners who express interest in serving on the advisory panel;

(4) One member representing Washington marine recreational fishermen, appointed from a list of recreational fishermen who express interest in serving on the advisory panel;

(5) One scientist at large; and

(6) One member representing the United States national marine fisheries service.

NEW SECTION, Sec. 6. (1) The marine fish enhancement research fund is hereby created in the custody of the state treasury. All fees received by the department under sections 7 and 8 of this act and RCW 75.28.095 shall be deposited in the fund. Any money received for the purposes of carrying out this chapter from other sources may be deposited in the fund. Expenditures from the fund may be used only for the purposes of the program. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) An amount, not to exceed twelve percent of the total annual revenues deposited in the fund, may be used by the department for administering the research program, for the production and distribution of the marine fish enhancement research stamp, and for collecting stamp revenues.

NEW SECTION, Sec. 7. A new section is added to chapter 75.25 RCW to read as follows:

(1) In addition to a valid personal use license, a person taking marine fish from state and offshore waters for sport purposes shall have permanently affixed to his or her personal use

license an annual marine fish enhancement research stamp that shall be issued upon payment of one dollar.

(2) Sport anglers who are entitled to a free personal use license, or who are not required to obtain a personal use license, shall not be required to obtain a marine fish enhancement research stamp.

(3) A dealer's fee may not be charged for issuing a marine fish enhancement research stamp.

NEW SECTION. Sec. 8. A new section is added to chapter 75.28 RCW to read as follows:

In addition to a valid Washington commercial fishing license, a person taking food fish for commercial purposes shall have permanently affixed to his or her license an annual food fish enhancement research stamp that may be obtained from the department upon payment of thirty dollars.

Sec. 9. Section 1, chapter 90, Laws of 1969 as last amended by section 1, chapter 9, Laws of 1988 and RCW 75.28.095 are each amended to read as follows:

(1) A charter boat license is required for a vessel to be operated as a charter boat from which food fish are taken for personal use. The annual license fees are:

Species	Resident Fee	Nonresident Fee
(a) Food fish other than salmon	\$100	\$200
(b) Salmon and other food fish	\$200	\$200

(2) 'Charter boat' means a vessel from which persons may, for a fee, fish for food fish, and which delivers food fish into state ports or delivers food fish taken from state waters into United States ports. 'Charter boat' does not mean:

(a) Vessels not generally engaged in charter boat fishing which are under private lease or charter and operated by the lessee for the lessee's personal recreational enjoyment; or

(b) Vessels used by guides for clients fishing for food fish for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

(3) A vessel shall not engage in both charter or sports fishing and commercial fishing on the same day. A vessel may be licensed for both charter boat fishing and for commercial fishing at the same time. The license or delivery permit allowing the activity not being engaged in shall be deposited with the fisheries patrol officer for that area or an agent designated by the director.

(4) In addition to a valid charter boat license, the owner of a charter boat shall obtain and permanently affix to the charter boat license an annual marine fish enhancement research stamp that may be obtained from the department upon payment of thirty dollars.

NEW SECTION. Sec. 10. Sections 1 through 6 of this act shall constitute a new chapter in Title 75 RCW.

NEW SECTION. Sec. 11. Sections 7 and 8 of this act shall take effect on January 1, 1990.

NEW SECTION. Sec. 12. A new section is added to chapter 43.131 RCW to read as follows: The Washington marine fish enhancement research program shall be terminated on June 30, 1994, as provided in section 13 of this act.

NEW SECTION. Sec. 13. A new section is added to chapter 43.131 RCW to read as follows: The following acts or parts of acts as now existing or hereafter amended are each repealed, effective December 31, 1995:

- (1) Section 1, chapter ..., Laws of 1989 and RCW 75. (section 1 of this act);
- (2) Section 2, chapter ..., Laws of 1989 and RCW 75. (section 2 of this act);
- (3) Section 3, chapter ..., Laws of 1989 and RCW 75. (section 3 of this act);
- (4) Section 4, chapter ..., Laws of 1989 and RCW 75. (section 4 of this act);
- (5) Section 5, chapter ..., Laws of 1989 and RCW 75. (section 5 of this act);
- (6) Section 6, chapter ..., Laws of 1989 and RCW 75. (section 6 of this act);
- (7) Section 7, chapter ..., Laws of 1989 and RCW 75.25. (section 7 of this act);
- (8) Section 8, chapter ..., Laws of 1989 and RCW 75.28. (section 8 of this act); and
- (9) Section 1, chapter 90, Laws of 1969, section 15, chapter 283, Laws of 1971 ex. sess., section 5, chapter 327, Laws of 1977 ex. sess., section 1, chapter 60, Laws of 1979, section 112, chapter 46, Laws of 1983 1st ex. sess., section 1, chapter 9, Laws of 1988 and RCW 75.28.095."

On page 1, line 1 of the title, after "research;" strike the remainder of the title and insert "amending RCW 75.28.095; adding a new section to chapter 75.25 RCW; adding a new section to chapter 75.28 RCW; adding a new chapter to Title 75 RCW; adding new sections to chapter 43.131 RCW; repealing RCW 75.28.095; and providing an effective date."

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Ebersole, Hine, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1074 Prime Sponsor, Representative Haugen: Requiring health insurance to cover mammograms. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Financial Institutions & Insurance be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Appelwick, Belcher, Bowman, Brekke, Bristow, Brough, Dorn, Ebersole, Hine, Padden, Peery, Rust, Sayan, Spanel, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Braddock, May, McLean, Nealey, and Sprengle.

Voting nay: Representatives Silver, Ranking Republican Member; Bowman, Braddock, May, McLean, Nealey and Sprengle.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 3, 1989

HB 1086 Prime Sponsor, Representative Ferguson: Regulating underground storage tanks. Reported by Committee on Revenue

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

On page 8, after line 10 insert:

"(4) Local laws, ordinances, and resolutions pertaining to permits and fees for the use of underground storage tanks in street right of ways that were in existence prior to the effective date of this section are not superseded or preempted."

Renumber the remaining subsections consecutively and correct internal references accordingly.

Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Appelwick, Basich, Brumsickle, Fraser, Fuhrman, Grant, Haugen, Morris, Phillips, Rust and H. Sommers.

Absent: Representatives Silver and Van Luven.

Passed to Committee on Rules for second reading.

March 2, 1989

HB 1129 Prime Sponsor, Representative R. Fisher: Implementing voter registration by mail. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on State Government. (For committee amendments, see Journal, 40th Day, February 17, 1989.) Signed by Representatives Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Dorn, Doty, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Locke, Chair.

Absent: Representatives Bristow and Brough.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1165 Prime Sponsor, Representative O'Brien: Establishing a temporary commission of public ports. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Trade & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Appelwick, Belcher, Braddock, Brekke, Bristow, Hine, Peery, Rust, Sayan, Spanel, Sprenkle, Valle and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Bowman, Brough, May, McLean, Nealey and Padden.

Voting nay: Representatives Silver, Ranking Republican Member; Bowman, Brough, Dorn, Ebersole, May, McLean, Nealey, Padden and Wang.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 2, 1989

HB 1174 Prime Sponsor, Representative Phillips: Creating a procedure for local government service agreements. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Dorn, Doty, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Bristow and Brough.

Passed to Committee on Rules for second reading.

March 2, 1989

HB 1175 Prime Sponsor, Representative Raiter: Establishing a citizens' review process for altering local governments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with amendments by Committee on Local Government (For committee amendments, see Journal, 19th Day, January 27, 1989.) and with the following amendments by Committee on Appropriations:

On page 9, strike all of section 20

Re-number remaining sections and correct internal references accordingly

On page 1, line 6 of the title, strike "making an appropriation."

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Dorn, Doty, Ebersole, Ferguson, Hine, Holland, May, Nealey, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives McLean and Padden.

Absent: Representatives Bristow and Brough.

Passed to Committee on Rules for second reading.

March 2, 1989

HB 1176 Prime Sponsor, Representative Nelson: Creating the energy efficiency account. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Beck, Betrozoff, Bowman, Braddock, Fraser, Jacobsen, Peery, Wang and Winsley.

Absent: Representatives Schoon, Ranking Republican Member, Bowman, Bristow and Wang.

Passed to Committee on Rules for second reading.

March 3, 1989

HB 1180 Prime Sponsor, Representative Ferguson: Insuring liability for leaks from underground oil storage tanks. Reported by Committee on Revenue

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Appelwick, Basich, Brumsickle, Fraser, Fuhrman, Grant, Haugen, Morris, Phillips, Rust and H. Sommers.

Absent: Representatives Silver and Van Luven.

Passed to Committee on Rules for second reading.

March 2, 1989

HB 1189 Prime Sponsor, Representative Basich: Creating a memorial for Washington residents who died or are missing-in-action in the Korean conflict. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: Do pass with amendment by committee on State Government (For committee amendment, see Journal, 47th Day, February 24, 1989.) and with the following amendments by committee on Capital Facilities & Financing:

On page 1, following line 24, strike all of section 3

On page 1, line 1 of the title, after "memorial," strike the remainder of the title and insert "and adding new sections to chapter 40.14 RCW."

Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Beck, Betrozoff, Bowman, Braddock, Fraser, Jacobsen, Peery, Wang and Winsley.

Absent: Representatives Schoon, Ranking Republican Member; Bristow and Wang.

Passed to Committee on Rules for second reading.

March 2, 1989

HB 1190 Prime Sponsor, Representative Sayan: Enacting the ocean natural resources management act. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Natural Resources & Parks be substituted therefor and the substitute bill do pass with the following amendments by Committee on Appropriations:

On page 6, following line 28, strike all material down to and including "this act." on page 7, line 1

On page 7, line 2, after "sum of" strike "two" and insert "one"

On page 7, line 8, after "ecology" strike all material down to and including "office," on line 9

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Dorn, Doty, Ebersole, Ferguson, Hine, May, Nealey, Padden, Peery, Rust, Sayan, Spanel Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Holland and McLean.

Absent: Representatives Bristow and Brough.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1237 Prime Sponsor, Representative Appelwick: Changing allowable fees charged by clerks of the superior court. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Judiciary do pass with the following amendments by Committee on Appropriations:

On page 3, line 29, after "(1)" strike all material through "RCW," on page 4, line 8 and insert "The indigent legal assistance account is created in the state treasury. The indigent legal assistance account is subject to legislative appropriation.

(2) The sum of one million six hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the indigent legal assistance account to the department of community development for the biennium ending June 30, 1991. This appropriation is furnished solely for the department to contract with qualified legal aid programs for the purpose of providing civil representation for indigent persons.

(3) The sum of six hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the indigent legal assistance account to the department of community development for the biennium ending June 30, 1991. This appropriation is furnished solely for the department to allocate to the public defender for providing representation to indigent persons in dependency proceedings under chapter 13.34 RCW."

Re-number the remaining subsection consecutively.

On page 1, line 2 of the title, after "36.18.020;" strike the remainder of the title and insert "adding new sections to chapter 36.18 RCW; and making appropriations."

Signed by Representatives Locke, Chair; Grant, Vice Chair; Appelwick, Belcher, Braddock, Brekke, Bristow, Dorn, Ebersole, Hine, May, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Bowman, May, McLean, Nealey and Padden.

Voting nay: Representatives H. Sommers, Vice Chair; Silver, Ranking Republican Member; Bowman, McLean, Nealey and Padden.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Brough, Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1275 Prime Sponsor, Representative Haugen: Changing provisions relating to property taxes. Reported by Committee on Revenue

MAJORITY recommendation: Do pass with the following amendments:

On page 27, after line 23, insert:

"NEW SECTION. Sec. 25. A new section is added to chapter 84.52 RCW to read as follows: Any county, city, town, fire protection district, hospital district, or emergency medical services district that has received voter approval for a regular property tax levy under RCW 84.52.069 may continue to impose the levies for the duration of the period for which such levies were authorized. However, these levies shall be reduced or eliminated if the regular property taxes exceed the limitation contained in RCW 84.52.050."

Re-number remaining sections consecutively.

On page 1, line 6 of the title, after "36.68.520;" insert "adding a new section to chapter 84.52 RCW:"

Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Appelwick, Basich, Brumsickle, Fraser, Fuhrman, Grant, Haugen, Morris, Phillips, Rust, Silver, H. Sommers and Van Luven.

Absent: Representative Van Luven.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1281 Prime Sponsor, Representative Belcher: Providing property tax relief for mineral production. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Natural Resources & Parks do pass with the following amendments by Committee on Revenue:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that:

(1) Mineral production is currently an important component of the state's economy, and production will likely increase in the future.

(2) The two major state taxes on mineral reserves and production are the ad valorem property tax and the business and occupation tax.

(3) The assessment of minerals for ad valorem taxes varies from county to county, and there are no state-wide guidelines for assessing minerals.

(4) Many other states have adopted mineral severance taxes in place of, or in addition to, property taxes.

(5) There is a need to assess the state's current mineral taxation system to determine if it is fair, equitable, and efficient, and to determine if changes are needed.

NEW SECTION. Sec. 2. (1) The department of revenue shall study the state's existing taxation system for mineral resources, and examine possible modifications. Minerals shall include, but not be limited to, oil, gas, coal, industrial minerals, and precious metals.

(2) In completing the study, the department shall:

(a) Analyze the current mineral taxation program, including the assessment practices for the ad valorem tax. Methods of increasing the uniformity of assessment practices among counties should be identified.

(b) Examine alternatives to the current mineral taxation system, including the possible imposition of a severance tax in place of, or in addition to, the ad valorem tax. Advantages and disadvantages of the current system and the alternatives shall be included.

(c) Examine possible taxation rates for a severance tax, and whether all minerals should be taxed at one rate, or whether varying rates for different types of minerals should be imposed.

NEW SECTION. Sec. 3. To assist the department in the study, the department shall form an advisory committee composed of, but not necessarily limited to, county assessors, county commissioners, and representatives from the mineral industry and department of natural resources.

NEW SECTION. Sec. 4. Nothing in this act shall restrict the department in taking steps to administratively increase the uniformity of mineral assessments among counties for purposes of the ad valorem tax.

NEW SECTION. Sec. 5. The study shall be presented to the appropriate natural resource and revenue committees of the legislature on or before July 1, 1990."

On page 1, beginning on line 1 of the title, after "production:" strike the remainder of the title, and insert "and creating new sections."

Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Appelwick, Basich, Fraser, Grant, Haugen, Morris, Phillips, Rust, Silver and H. Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Holland, Ranking Republican Member; Brumsickle and Van Luven.

Voting nay: Representatives Holland, Ranking Republican Member; Brumsickle, Silver and Van Luven.

Absent: Representatives Horn, Assistant Ranking Republican Member; and Fuhrman.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1294 Prime Sponsor, Representative Rector: Establishing the Washington employment futures program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Trade & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Appelwick, Belcher, Braddock, Brække, Bristow, Dorn, Ebersole, Hine, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Bowman, Brough, May, McLean, Nealey and Padden.

Voting nay: Representatives Silver, Ranking Republican Member; Bowman, Brough, McLean, Nealey and Padden.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1355 Prime Sponsor, Representative G. Fisher: Improving state motor vehicle operations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Padden, Rust, Sayan, Spanel, Valle, Wang and Wineberry.

Voting nay: Representatives Brough and Doty.

Absent: Representative Youngsman, Assistant Ranking Republican Member.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1360 Prime Sponsor, Representative R. Fisher: Revising personnel administration. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on State Government. (For committee amendments, see Journal, 50th Day, February 27, 1989.) Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member, Appelwick, Belcher, Bowman, Braddock, Brekke, Dorn, Ebersole, Hine, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Brough, Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1378 Prime Sponsor, Representative Braddock: Changing provisions relating to health care costs and access to health care. Reported by Committee on Revenue

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Appelwick, Fraser, Fuhrman, Morris, Phillips, Rust and H. Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Brumsickle, Haugen, Silver and Van Luvan.

Voting nay: Representatives Holland, Ranking Republican Member; Horn, Assistant Republican Member; Brumsickle, Grant, Haugen, Silver and Van Luvan.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1392 Prime Sponsor, Representative Rust: Enacting the wetland management act of 1989. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Natural Resources & Parks do pass with the following amendments by Committee on Appropriations:

On page 9, line 34, after "APPROPRIATIONS," strike "(1)"

On page 9, line 35, after "million" strike "five hundred thousand"

On page 10, line 1, after "the" strike "centennial clean water fund" and insert "water quality account"

On page 10, after line 3, strike all of subsection (2)

Signed by Representatives Locke, Chair; H. Sommers, Vice Chair; Appelwick, Belcher, Braddock, Brekke, Bristow, Dorn, Ebersole, Hine, May, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Grant, Vice Chair; Silver, Ranking Republican Member; Bowman, McLean, Nealey and Padden.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Brough, Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 2, 1989

HB 1397 Prime Sponsor, Representative Rayburn: Regarding water use efficiency and conservation. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: The substitute bill by committee on Agriculture & Rural Development be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Beck, Betrozoff, Bowman, Braddock, Fraser, Jacobsen, Peery, Wang and Winsley.

Absent: Representatives Schoon, Ranking Republican Member; Bristow and Wang.

Passed to Committee on Rules for second reading.

March 3, 1989

HB 1408 Prime Sponsor, Representative Dorn: Requiring that hours worked in all eligible positions be combined to determine service credit for the public employees' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Doty, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Appelwick, Ebersole, Hine and Sprenkle.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1415 Prime Sponsor, Representative Jacobsen: Revising provisions for tuition fees. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Higher Education do pass with the following amendments by Committee on Appropriations:

On page 4, after line 1, insert the following:

NEW SECTION. Sec. 4. The state treasurer, in cooperation with other appropriate state agencies and institutions of higher education, shall study prepaid tuition payment programs and submit a report, including recommendations, to the higher education committees of both the house of representatives and senate by January 1, 1990."

On page 1, line 2 of the title, after "creating" strike "a new section" and insert "new sections"

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Dorn, Ebersole, Hine, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Brough, Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 2, 1989

HB 1433 Prime Sponsor, Representative Wineberry: Extending the voter registration period. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on State Government. (For committee amendments, see Journal, 40th Day, February 17,

1989.) Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Dorn, Doty, Ebersole, Ferguson, Hine, Holland, May, McLean, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Nealey and Padden.

Absent: Representatives Bristow and Brough.

Passed to Committee on Rules for second reading.

March 2, 1989

HB 1457 Prime Sponsor, Representative Appelwick: Regarding the indeterminate sentencing review board. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Appelwick, Belcher, Braddock, Brekke, Dorn, Ferguson, Hine, May, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Bowman, Holland, McLean, Nealey and Padden.

Voting nay: Representatives Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member, Bowman, Ebersole, Holland, McLean, Nealey and Padden.

Absent: Representatives Bristow, Brough and Doty.

Passed to Committee on Rules for second reading.

March 2, 1989

HB 1476 Prime Sponsor, Representative Basich: Establishing the Washington marketplace program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Dorn, Doty, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Locke, Chair.

Absent: Representatives Bristow and Brough.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1480 Prime Sponsor, Representative Hankins: Changing provisions relating to the productivity board. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass without amendment by Committee on State Government (For committee amendment, see Journal, 47th Day, February 24, 1989.) and with the following amendments by Committee on Appropriations:

On page 2, line 1, after "approval)" insert "or any other funds of the state"

On page 2, line 16, after "administration)." insert "Transfers shall be made from other funds of the state to the general fund, in amounts equal to award payments made by the general fund, for suggestions generating new or additional money for those other funds."

Signed by Representatives Locke, Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Brough, Dorn, Doty, Ebersole, Hine, Holland, May, McLean, Nealey, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Doty, Sprengle and Valle.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1495 Prime Sponsor, Representative Vekich: Establishing a business and job retention program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Trade & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Appelwick, Belcher, Braddock, Brekke, Bristow, Dorn, Hine, May, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Bowman, McLean, Nealey and Padden.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Brough, Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1496 Prime Sponsor, Representative Cantwell: Regulating residential care facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care do pass with the following amendments by Committee on Appropriations:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

- (1) Persons with functional limitations have broadly varying service needs, and residential care facilities that can meet those needs, directly or by subcontract, are an essential component of a long-term care system;
- (2) The development and operation of residential care facilities that can provide quality personal care and specialized services, directly or by subcontract, should be encouraged; and
- (3) The specialized service needs of residential care facility residents can be met through facility staff, or through facility subcontracts with qualified providers of specialized services serving the community.

NEW SECTION. Sec. 2. The purposes of this chapter are to:

- (1) Encourage the establishment and operation of high quality residential care facilities that provide personal care and specialized services;
- (2) Permit some flexibility in the services provided and the individuals served in residential care facilities by allowing facilities to contract with the department of social and health services to provide, directly or by subcontract with qualified community providers, specialized services needed by their residents;
- (3) Establish standards for regulating residential care facilities that are based upon the number of residents in the facility, the needs of the residents served in the facility, and the specialized services, if any, provided to residents of the facility, but that are consistent with the abilities and resources of a residential care facility;
- (4) Establish standards for the operation of adult family homes that meet residents' needs, but recognize that care is being provided in the adult family home provider's own residence;
- (5) Ensure that residential care facility providers have the training and resources necessary to meet the needs of their residents and understand and comply with this chapter and rules adopted pursuant to this chapter;
- (6) Monitor a residential care facility's compliance with this chapter through routine inspections and, unless residents are in imminent danger, provide to facilities in violation of this chapter an opportunity to correct violations before sanctions are imposed;
- (7) Provide the department and residents with alternative mechanisms to enforce compliance with this chapter; and
- (8) Provide information to consumers and their families, providers, and the public and encourage their full participation in developing and enforcing standards under this chapter in order to ensure support for residential care facility providers and residents.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) 'Residential care facility' means any facility that is advertised, announced, or maintained for the express or implied purpose of providing personal care, room, and board to two or more persons not related by blood or marriage to the person or persons providing the services: PROVIDED, That a facility providing personal care, room, and board to at least one resident whose care is paid for by the state shall be considered a residential care facility. For

purposes of this chapter, 'residential care facility' does not include any house, institution, hotel, independent senior housing, independent living unit of a continuing care retirement community, or other similar living situation including those funded or subsidized by the United States department of housing and urban development or the United States farmer's home administration that supplies room and board only, room only, or board only.

(2) 'Adult family home' means a type of residential care facility that is the regular family residence of the person or persons operating the facility and has at least two, but not more than four residents who are not related by blood or marriage to the person or persons providing the services: PROVIDED, That the department may grant a variance to allow for five residents: PROVIDED, FURTHER, That a person or persons caring for one or more residents whose care is paid for by the state in the person's or persons' regular family residence shall be considered an adult family home.

(3) 'Provider' means any person who is licensed under this chapter to operate a residential care facility.

(4) 'Department' means the department of health, if established by law; otherwise the department of social and health services.

(5) 'Personal care' means the provision by the residential care facility provider of one or more of the following services:

(a) Helping the resident with activities of daily living;

(b) Assisting the resident with daily living activities, such as making appointments and arranging transportation, that are necessary in order for the resident to receive necessary services;

(c) Being aware of the resident's general whereabouts, although residents should be encouraged to exercise maximum independence, given their functional limitations;

(d) Monitoring the activities of the resident while on the premises of the residence to ensure his or her health, safety, and well-being.

(6) 'Specialized services' means services beyond personal care provided to residents of a residential care facility pursuant to a contract or provider agreement between the provider and the department of social and health services. Specialized services include, but are not limited to nursing, medication management, habilitation, and counseling services. Skilled nursing services on a twenty-four hour basis may be provided only upon the granting of a variance specifically authorizing the provision of such services as provided in section 16 of this act. Specialized services may be delivered by the provider, facility staff, or community providers by subcontract who have demonstrated qualifications to provide such services, including licensure or certification under applicable Washington law.

(7) 'Functional limitation' means a disability or other condition that limits an individual's ability to meet all of his or her personal or health care needs.

(8) 'Imminent danger' means serious physical harm to or death of a resident has occurred, or there is a serious threat to resident life, health, or safety, or the residential care facility's capacity to render adequate care is substantially limited.

(9) 'Facility' means a residential care facility.

(10) 'Resident' means the individual receiving personal care or specialized services in a residential care facility, and, where applicable, that individual's attorney-in-fact acting within the scope of authority granted in a power of attorney executed by the individual, or that individual's guardian acting pursuant to the powers contained in an order of guardianship.

NEW SECTION. Sec. 4. The following residential facilities shall be exempt from the operation of this chapter:

(1) Nursing homes licensed under chapter 18.51 RCW;

(2) Residential habilitation centers licensed under chapter 71A.20 RCW;

(3) Facilities licensed under chapter 71.12 RCW;

(4) Evaluation and treatment centers for minors licensed under chapter 71.34 RCW;

(5) Soldiers and veterans homes licensed under chapter 72.36 RCW;

(6) State schools for the deaf and blind, licensed under chapter 72.40 RCW;

(7) Drug treatment and rehabilitation programs at institutions pursuant to chapter 72.49 RCW;

(8) Maternity homes licensed under chapter 18.46 RCW;

(9) Crisis residential centers for children licensed under chapter 74.13 RCW;

(10) Foster care and group care facilities for children licensed under chapter 74.15 RCW.

NEW SECTION. Sec. 5. (1) The department shall adopt rules and standards with respect to all residential care facilities and the operators thereof to be licensed under this chapter to carry out the purposes and requirements of this chapter.

(2) During the initial stages of development of proposed rules, the department shall provide notice of development of the rules to organizations representing adult family homes, residential care facilities and their residents, and other groups that the department finds appropriate. The notice shall state the subject of the rules under consideration and solicit written recommendations regarding their form and content.

(3) Except where provided otherwise, chapter 34.05 RCW shall govern all department rule-making and adjudicative activities under this chapter.

NEW SECTION. Sec. 6. After July 1, 1990, no person shall operate or maintain a residential care facility in this state without a license under this chapter.

NEW SECTION. Sec. 7. (1) An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires, which may include affirmative evidence of ability to comply with this chapter and the rules adopted under this chapter.

(2) The department shall issue a license to a residential care facility if, after inspection and any discretionary investigation, the department finds that the applicant and the facility are in compliance with this chapter and the rules adopted under this chapter; and that the applicant has no prior violations of this chapter relating to the residential care facility subject to the application or any other residential care facility, or of any other law regulating residential care facilities within the past five years that resulted in revocation or nonrenewal of a license.

(3) Each license shall be issued only for the exact location of the residential care facility and for the person or persons named in the application. The license shall state the maximum capacity of residents that the facility is licensed for, and shall not be transferable or assignable.

(4) The license fee established by the department shall be submitted with the application.

(5) In consultation with law enforcement personnel, the department shall investigate the conviction record or pending charges of each applicant or provider, and their staff. The investigation shall include a criminal check completed by the Washington state patrol. The department shall not use the information for other than department purposes of determining eligibility for a license. Criminal justice agencies shall provide the department such information that the department may require for such purpose.

(6) The department shall serve upon the applicant personally or by certified mail a copy of the decision granting or denying an application for a license. An applicant shall have the right to contest denial of his or her application for a license as provided in chapter 34.05 RCW by requesting a hearing in writing within ten days after receipt of the notice of denial.

NEW SECTION. Sec. 8. (1) A residential care facility shall post conspicuously in an area of the facility accessible to the residents and visitors:

(a) Its license to operate;

(b) A notice that a copy of each inspection report received by the facility from the department for the past three years is available for public inspection;

(c) A grievance procedure, which includes the name and telephone number of the office of the long-term care ombudsman and the department staffperson responsible for licensing oversight of the facility;

(d) A list of the residents' rights as provided in section 21 of this act; and

(e) A copy of any house rules developed by the facility, as provided in section 22 of this act.

An adult family home provider shall not be required to post the items identified in this subsection, but these items shall be readily available for review by the department, any resident of the adult family home, and any person seeking admission to the adult family home, or their family members.

(2) A residential care facility shall retain for public inspection a complete copy of each inspection report received by the facility from the department for the past three years.

NEW SECTION. Sec. 9. (1) A license shall be valid for two years.

(2) At least ninety days prior to expiration of the license, the department shall send a license renewal application to the facility. The facility shall complete and submit the application within sixty days of expiration of the license. The department shall have the authority to investigate any information included in the application for renewal of a license, and shall conduct an inspection of the applicant facility at least thirty days prior to expiration of the license. If the department fails to act by the expiration date of the license, the license shall continue in effect until the department acts.

(3) If the department finds that the applicant facility is not in compliance with this chapter, it shall require the facility to correct any violations as provided in section 25 of this act. If the department finds that the applicant is in compliance with this chapter and the rules adopted under this chapter, the department shall renew the license of the facility.

(4) The department shall conduct a monitoring inspection of each residential care facility at least annually.

NEW SECTION. Sec. 10. (1) A provider shall provide written notice to the department of its intent to voluntarily close a residential care facility at least sixty days prior to the date of closure of the facility.

(2) The department shall provide the residents of the facility that is closing with transfer assistance as provided in section 29(3) of this act upon receipt of the notice provided in subsection (1) of this section.

NEW SECTION. Sec. 11. (1) No public or private agency contractor or employee shall place, refer, or recommend placement of a person into a residential care facility that is operating without a license.

(2) Any public or private agency contractor or employee who knows that a residential care facility is operating without a license shall report the name and address of the facility to the department. The department shall investigate any report filed under this section.

NEW SECTION. Sec. 12. (1) A residential care facility provider shall have the following minimum qualifications to provide personal care services:

- (a) Twenty-one years of age or older;
- (b) Good moral and responsible character and reputation;
- (c) Adequate education, training, and experience to carry out the requirements of this chapter including completion of the training program as provided in section 14 of this act;
- (d) Literacy;
- (e) Management and administrative ability to carry out the requirements of this chapter; and
- (f) Sufficient physical, mental, and emotional capacity to carry out the requirements of this chapter.

(2) Staff of a residential care facility shall have the following minimum qualifications to provide personal care services:

- (a) Sixteen years of age or older;
- (b) Literacy;
- (c) Good moral and responsible character and reputation;
- (d) Adequate education, training, or experience to carry out the requirements of this chapter; and
- (e) Sufficient physical, emotional, and mental capacity to carry out the requirements of this chapter.

(3) A residential care facility may directly provide specialized services only to the extent that the provider or staff of the facility have demonstrated qualifications to provide such services, including licensure or certification under applicable Washington law.

NEW SECTION. Sec. 13. (1) Residential care facilities shall be maintained internally and externally in good repair and condition. Such facilities shall have safe and functioning systems for heating, cooling, hot and cold water, electricity, plumbing, garbage disposal, sewage, cooking, laundry, artificial and natural light, ventilation, and any other feature of the facility.

(2) Residential care facilities shall be maintained in a clean and sanitary manner, including proper sewage disposal, food handling, and hygiene practices.

(3) The director of community development, through the director of fire protection, in consultation with the department, the department of social and health services, and organizations representing adult family homes, residential care facilities, and their residents, shall develop state-wide minimum standards for fire protection for residential care facilities to be licensed under this chapter. The director of community development, through the director of fire protection, shall conduct inspections of applicant facilities using the standards developed pursuant to this section and shall certify compliance with such standards to the department: PROVIDED, That the director of fire protection may delegate authority to conduct inspections under this section to local fire departments or fire districts. Upon the request of a residential care facility license applicant or provider, the director of fire protection shall review a determination by a local fire department or fire district to withhold or withdraw a certification of compliance under this section. The department shall not issue a license until such certification has been received.

(4) Residential care facilities shall have clean, functioning, and safe household items and furnishings.

(5) Residential care facilities shall provide a nutritious and balanced diet and shall recognize residents' needs for special diets.

(6) Residential care facility residents shall be permitted to self-administer medications, unless otherwise indicated in a health care practitioner's orders.

(7) Residential care facilities shall have distinct and adequate living and sleeping areas. Bedrooms shall be of adequate size.

(8) The department shall establish by regulation staff/resident ratios and physical plant standards for residential care facilities based upon the number of residents served in the facility, the needs of the residents served in the facility, and the specialized services, if any, provided to residents of the facility. In developing physical plant standards for adult family homes, the department shall recognize the goal of maintaining a home-like environment for residents and their providers.

(9) In developing regulations to implement this section, the department shall recognize the needs for enhanced standards and provider oversight when the residential care facility provider is a licensed professional providing specialized services pursuant to his or her licensed status to residents in need of such services.

NEW SECTION. Sec. 14. (1) The department, in consultation with the department of social and health services, directly or through an approved program, shall provide training programs for residential care facility providers prior to issuance of a license other than a renewal license under this chapter. The department also may require a provider to attend the training program in the subject area of deficiencies in the facility.

(2) The training program shall include but not be limited to thorough coverage of the requirements of this chapter and the rules adopted under this chapter, fire safety, recognition of resident health care and mental health problems, identification and use of community resources, abuse and neglect prevention, and management of medications.

NEW SECTION. Sec. 15. The department, in consultation with the department of social and health services, shall consult with residential care facility providers and license applicants in order to help them comply with this chapter and the rules adopted under this chapter and improve their methods and facilities for the care of persons with functional limitations.

NEW SECTION. Sec. 16. (1) A residential care facility provider may apply to the department for a variance from a rule or provision of this chapter including the limitation of four residents in adult family homes. The application for a variance shall state:

(a) The specific rule or provision of this chapter from which the variance is sought;

(b) The reasons why strict compliance with the rule or provision of this chapter would impose a substantial hardship on the provider; and

(c) The alternative method the provider will use to meet the requirements of this chapter, and the way in which the provider's alternative method meets the same goal as the rule or provision from which the variance is sought is designed to meet, and protects the health, safety, and welfare of the residents.

(2) The department shall notify each resident of the facility of the application within five working days of receipt of the application by the department. A copy of the application shall be attached to the notice to each resident, and the notice shall state the right of each resident to comment verbally or in writing on whether the application for a variance should be granted or denied; and the date by which comments on the application must be received. The department shall consider the comments received as provided in this section in determining whether the application for a variance shall be granted or denied.

(3) The department shall grant a variance upon a determination that:

(a) Strict compliance with the rule or statutory provision of this chapter would impose a substantial hardship on the provider;

(b) The provider's alternative method of compliance will meet the same goal that the rule or provision of this chapter from which the provider seeks the variance was designed to meet; and

(c) The provider's alternative method for compliance with this chapter protects the health, safety, and welfare of the residents as well as they would be protected if strict compliance with this chapter was required.

(4) The decision to grant or deny a variance shall be in writing and shall state the findings upon which the decision was based. The department may impose any conditions upon the variance it determines are necessary to meet the policies of this chapter, and may limit the duration of the variance. Any conditions imposed shall be stated in the decision granting the variance. The provider shall be served personally or by certified mail with a copy of the decision, and with written notice of the provider's right to contest the decision as provided in chapter 34.05 RCW. Notice of the decision shall be given to all interested parties.

(5) A provider who fails to comply with a decision granting a variance shall be subject to the procedures and sanctions for failure to comply with this chapter.

(6) No variance shall be granted from a rule or provision of this chapter pertaining to inspections or resident rights.

NEW SECTION. Sec. 17. (1) Each facility shall keep a record of pertinent information for each resident, as defined by the department in rule. The department shall assist residential care facilities in complying with the requirements of this section and shall provide forms to these facilities upon which the required information can be recorded.

(2) Each resident shall have the right, at reasonable times, or during ordinary business hours to inspect and copy, or have a copy provided for him or her by the facility, of any or all of the records referred to in subsection (1) of this section. The facility may charge the resident the cost of copies made pursuant to this subsection.

(3) Neither the facility nor the department shall disclose the name of any resident except as may be necessary, or disclose any resident's records to any person or department other than the personnel of the facility or the department for their exclusive use except upon express written consent of the resident or court order unless the disclosure is required by state or federal law.

NEW SECTION. Sec. 18. (1) Each resident shall have the right:

(a) To privacy in every aspect of daily living;

(b) To have guests or other residents in his or her room;

(c) To humane care and a humane environment, including but not limited to the right to a diet that is consistent with any religious or health-related restrictions and to refuse a restricted diet;

(d) To be treated with dignity and respect;

(e) To wear his or her own clothing and determine his or her own dress, hair style, or other personal effects according to individual preference;

(f) To retain and use his or her own personal property in the resident's own living area so as to maintain individuality and personal dignity, with consideration given to the space available in the facility for large items such as furniture;

(i) Each resident shall have a separate storage area in his or her own living area and at least one locked space, container, or drawer for keeping personal property;

(ii) A facility may provide a place and written procedures for safekeeping of residents' valuable personal possessions upon request of the resident;

(g) To interact freely with others both within the facility and in the community including but not limited to the following:

(i) The right to receive and send unopened correspondence and to be provided with pen, paper, envelopes, and stamps at the resident's own expense if the resident is unable to obtain them for himself or herself;

(ii) The right to access to a telephone for outgoing and incoming calls;

(iii) The right to unrestricted communication including personal visits with any person of the resident's choice;

(iv) The right to make contacts with the community, and to achieve the highest level of independence, autonomy, and interaction with the community of which the resident is capable; and

(v) The right to leave and return freely to the facility unless specifically restricted by physician's orders;

(h) To refuse to perform services for the facility except as agreed to by the resident and the provider:

(i) To practice the religion of his or her choice or to abstain from religious practice;

(j) To control his or her receipt of health-related services including but not limited to the right to retain the services of his or her own personal health care providers. Each resident shall have the right to confidentiality and privacy concerning his or her medical or dental condition and treatment;

(k) To voice grievances and recommend changes in policies and services to the provider, and to outside representatives of his or her choice, free from restraint, interference, coercion, discrimination, or reprisal;

(l) To be free from discrimination as provided by state and federal law.

(2) Exercise of the rights included in this section shall not result in danger to the safety or welfare of residents of the facility or infringement of the rights of other residents in the facility.

(3) Services shall be provided to residents so as to attain or maintain each resident's highest degree of functioning possible and to be compatible with individual safety and welfare.

NEW SECTION, Sec. 19. (1) Each resident shall have the right to manage his or her personal funds unless the rights of the resident are otherwise restricted by state or federal law.

(2) A facility may accept funds from a resident for safekeeping and management, if the resident wishes to entrust funds to the facility. If a facility accepts funds from a resident, the facility shall:

(a) Receive written authorization from the resident;

(b) Maintain and allow each resident access to a written record of all financial arrangements and transactions involving the individual resident's funds;

(c) Keep any funds received from a resident for safekeeping in an account separate from all other funds of the facility that clearly indicates that the facility has only a fiduciary interest in the funds and any interest from the account shall accrue to the resident. The facility may keep up to one hundred dollars of a resident's money in a noninterest-bearing account or petty cash fund, to be readily available for the resident's current expenditures. Upon written request of the resident, the facility may increase the amount of that resident's money in a non-interest-bearing account or petty cash fund;

(d) Return to the resident upon written request, all or any part of the resident's funds given to the facility for safekeeping, including the interest accrued from deposits;

(e) Place any monthly allowance to which a resident is entitled in that resident's personal account, or give it to the resident, unless the facility has written authorization from the resident to handle it differently; and

(f) Upon the death of a resident, provide the executor or administrator of the resident's estate with a complete accounting of all the resident's funds and personal property, including any funds and personal property of the resident being held by the facility.

(3) A facility may charge a reasonable fee for handling the funds of residential care facility residents whose care is paid for by the state.

(4) No residential care facility may require advance payment by a resident of more than one month's fees. If a resident leaves the facility or has died before the last day of a month, and the facility has been paid the full month's fee for that resident's care, the facility shall refund a pro rata portion of the fee representing that portion of the month during which the resident was not cared for by the facility.

NEW SECTION, Sec. 20. (1) The facility shall take reasonable actions to ensure that residents are not physically, sexually, or otherwise abused or exploited.

(2) The facility shall not neglect the needs of the residents.

(3) Physical restraints shall not be used on a resident by a residential care facility provider, except when a resident's actions present an imminent danger to himself or herself, or others, and only until appropriate action can be taken by medical, emergency, or police personnel. It is the responsibility of the facility to seek assistance immediately.

(4) Chemical restraints shall not be used on a resident by a residential care facility provider, except that this section shall not prohibit a resident from voluntarily taking tranquilizers or other medication which is prescribed by a licensed health care practitioner.

NEW SECTION. Sec. 21. (1) The department shall give each facility licensed under this chapter a copy of all the resident rights enumerated in sections 17 through 20 of this act and the names, addresses, and telephone numbers of the office of the long-term care ombudsman and any other advocates who are available to assist residents in understanding and enforcing these rights.

(2) The facility shall be responsible for making copies of such rights and distributing them to each resident and the resident's immediate family members, if known, upon admission to the facility.

(3) If a resident is unable to read the list of rights, the rights shall be read to the resident in a language the resident understands. The provider shall answer any questions the resident may have regarding the rights.

(4) After a copy of the rights has been given or read to the resident, the resident shall sign and date a written acknowledgement that the resident has read or has been read the rights, that the resident understands the rights, and that any questions which the resident has regarding the rights have been answered by the facility. A copy of the written acknowledgement signed and dated by the resident shall be placed in the resident's records.

NEW SECTION. Sec. 22. Each facility may have house rules regarding the operation of the facility. Prior to admission to a facility, a resident and the resident's immediate family, if known, shall be given a copy of the house rules of the facility to which he or she is seeking admission. Any house rules which unreasonably restrict the rights of any resident as provided in sections 17 through 21 of this act shall be null and void.

NEW SECTION. Sec. 23. (1) The department, or the city, county, or district health department designated by the department, is authorized to conduct inspections to carry out this chapter and the rules adopted hereunder. During inspections of a residential care facility, the department shall have full access and authority to examine, among other things, a residential care facility's resident records and accounts, and physical premises, including the buildings, grounds, equipment, or any vehicles used to care for or provide support of residents of the facility. The department also shall have the authority to interview the provider and residents of a residential care facility.

(2) Whenever an inspection is conducted, the department shall prepare a written report that summarizes all information obtained during the inspection, and if the facility is in violation of this chapter, serve a copy of the inspection report upon the provider at the same time as the notice of violation as provided in section 25 of this act. If the facility is not in violation of this chapter, a copy of the inspection report shall be mailed to the provider within ten days of the inspection of the facility. All inspection reports shall be made available to the public at the department during business hours.

(3) The department may require that any provider or license applicant, except adult family home providers or license applicants, desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with this chapter and the rules adopted under this chapter.

NEW SECTION. Sec. 24. (1) A person who believes that this chapter has been violated may file a complaint with the department or the office of the long-term care ombudsman. The department shall investigate any complaint filed under this section.

(2) A complaint filed with the department or the office of the long-term care ombudsman under subsection (1) of this section which is subsequently released to the facility that is the subject of the complaint or to any member of the public shall not disclose the name or identifying characteristics of the complainant or the name of the resident who is the subject of the complaint, unless:

- (a) The complainant or resident consents in writing to the disclosure; or
- (b) The investigation results in a judicial proceeding and disclosure is ordered by the court.

If disclosure is essential to the investigation, the complainant shall be given an opportunity to withdraw the complaint before disclosure.

(3) Upon request of the complainant, the department or the office of the long-term care ombudsman shall inform the complainant or, if requested by the complainant, the complainant's designated representative, of the results of the investigation and any action taken by the department.

NEW SECTION. Sec. 25. (1) If, as a result of an inspection, the department determines that a condition in the facility violates a rule or provision of this chapter, the department shall prepare a notice of violation in writing.

(2) The notice of violation shall state the following:

(a) A description of each condition in the facility that constitutes a violation;

(b) Each regulation or statutory provision alleged to have been violated;

(c) Except as provided in section 26 of this act, the date by which violations must be corrected as specified in the notice of violation;

(d) Sanctions that may be imposed against the facility for failure to correct the violations by the date specified in the notice of violation;

(e) The right to contest the violations if an administrative sanction is imposed; and

(f) The right to apply for a variance.

(3) Except as provided in section 26 of this act, the notice of violation shall be served upon the licensee personally or by certified mail within five working days of the inspection.

(4) Upon request, the department shall assist facilities in developing a plan of correction for the violations stated in the notice of violation.

(5) The department shall conduct an inspection of the facility within thirty days after the date by which violations must be corrected as specified in the notice of violation.

NEW SECTION. Sec. 26. If the department finds that violations present an imminent danger, the residential care facility shall be so notified and enforcement actions shall be taken by the department without prior opportunity to correct the violations.

NEW SECTION. Sec. 27. (1) The department is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that a residential care facility provider has:

(a) After following the procedures in sections 25 and 26 of this act, failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated a residential care facility without a license or under a revoked license;

(c) Knowingly or with reason to know made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Suspend, revoke, or refuse to renew a license;

(b) Suspend admissions to the residential care facility, as provided in section 28 of this act;

(c) Transfer residents from a residential care facility, as provided in section 29 of this act; or

(d) Assess civil monetary penalties, as provided in section 30 of this act.

NEW SECTION. Sec. 28. (1) The department may suspend admissions to a residential care facility on the following grounds:

(a) As a result of a violation of a rule or provision of this chapter, the facility is unable to provide an adequate level of meals, lodging, and personal care to persons residing in the facility at the time of the violation;

(b) A violation of a resident's rights as provided in sections 17 through 20 of this act;

(c) The number of residents currently in the facility exceeds the number of residents the facility is licensed to serve;

(d) The facility is operating without a license; or

(e) A violation of a rule or provision of this chapter results in conditions that present an imminent danger.

(2) The department shall remove the suspension of admissions when department staff confirms that the deficiencies necessitating suspension of admissions have been corrected, and the provider exhibits the capacity to maintain adequate care and service. The department may approve a readmission to the facility from a hospital when the department determines that such readmission would be in the best interests of the individual.

NEW SECTION. Sec. 29. (1) The department may transfer residents from a residential care facility to an alternative placement on the following grounds:

(a) As a result of a violation of a rule or provision of this chapter, the facility is unable to provide an adequate level of meals, lodgings, and personal care to the persons residing in the facility at the time of the violation;

(b) The number of residents currently in the facility exceeds the maximum number of residents the facility is licensed to serve;

(c) The facility is operating without a license; or

(d) A violation of a rule or provision of this chapter results in conditions that present an imminent danger.

(2) The department of social and health services shall make available assistance in relocating as provided in subsection (3) of this section to any resident who:

(a) Is being transferred under this section;

(b) Is being transferred as a result of an injunction issued under section 34 of this act;

(c) Has requested assistance in moving to an alternative placement.

(3) Assistance in relocating shall include the following:

(a) A resident shall be involved in planning his or her move and shall have the right to choose among available alternative placements; except that if a situation presenting an imminent danger makes prior involvement of the resident impossible, the department of social and health services may make a temporary placement until a final placement can be arranged;

(b) The resident and the department of social and health services shall prepare a plan to assure a safe move and to protect the resident's health, safety, welfare, and rights before and during the move and the department of social and health services shall provide assistance to the resident in moving to the new placement.

(4) In any resident transfer conducted under this section, the department of social and health services shall provide prior written notice to the resident being transferred. The notice shall state the basis for the transfer and shall inform the resident of his or her right to contest the transfer in accordance with chapter 34.05 RCW. If the resident wishes to contest the transfer, he or she shall request a hearing within ten days following receipt of the notice, except that in any resident transfer conducted under subsection (1)(d) of this section, if the resident wishes to contest the transfer, he or she shall request a hearing within three working days following receipt of the notice.

NEW SECTION. Sec. 30. (1) The department may assess civil monetary penalties not to exceed five hundred dollars per violation for violations of the requirements of this chapter and the rules adopted under this chapter. Each day upon which the same or a substantially similar violation occurs is a separate violation subject to the assessment of a separate penalty.

(2) Any civil penalty assessed under this section shall bear a reasonable rate of interest from the date of notification of the violation. The department may administer civil monetary penalties under this section by:

(a) Requiring payment in full;

(b) Permitting installment payments;

(c) Requiring that the full amount or a portion of the assessed civil penalty be expended to ameliorate the violation or to improve the nonadministrative services within the residential care facility; or

(d) Deferring the penalty or a portion thereof until one year after corrective action has been completed to assure maintenance of such action. At the end of such year, the penalty may be reduced all or in part if corrective action has been maintained. The penalty may be trebled if such corrective action is not maintained for one year.

NEW SECTION. Sec. 31. (1) Except as provided in subsection (2) of this section, all orders of the department issued under the authority of section 27 of this act shall become final twenty days after the same has been served upon the residential care facility provider, unless a hearing is requested.

(2) Orders of the department imposing suspension of admissions, or transfer of residents, shall be effective immediately upon notice and pending any hearing, if the basis for the issuance of such orders was the existence of violations presenting an imminent danger.

(3) All hearings under this chapter and judicial review of such determinations shall be in accordance with chapter 34.05 RCW.

NEW SECTION. Sec. 32. In addition to other remedies provided by law, the department may seek enforcement of its final orders by filing an action for civil enforcement in a court of competent jurisdiction.

NEW SECTION. Sec. 33. (1) Except as provided in subsection (2) of this section, the department shall provide written notice of a final order imposing an administrative sanction to:

(a) The residents of the facility subject to the administrative sanction and their immediate family members, if known;

(b) All public or private agencies involved in placement or referral of persons to residential care facilities; and

(c) Any other appropriate federal, state, or local agency.

(2) If a department order to immediately suspend admissions or immediately transfer residents is imposed, the notice shall be provided to the agencies listed in subsection (1) of this section pending a hearing to contest the order.

(3) The department shall provide written notice to the agencies listed in subsection (1) of this section when a previously imposed sanction has been lifted.

NEW SECTION. Sec. 34. A resident or the department may bring an action for a temporary restraining order, preliminary injunction, or permanent injunction against a residential care facility to enjoin:

(1) Any act or omission which constitutes a violation of this chapter; or

(2) Operation of:

(a) An unlicensed facility;

(b) A licensed facility against which procedures for renewal or revocation of the facility's license have been initiated and that has violations that have resulted in conditions that present an imminent danger or violate residents' rights.

NEW SECTION. Sec. 35. A resident or residential care facility provider may bring a civil action for mandamus to order the department to carry out any act which is required to be performed by the department under this chapter.

NEW SECTION. Sec. 36. (1)(a) No person shall:

(i) Operate a residential care facility without a license; or
 (ii) Commingle, borrow from, or pledge any funds of a resident required to be held in a separate account as provided in section 19 of this act.

(b) No person shall purposely or knowingly:

(i) Interfere with or attempt to interfere with or obstruct or attempt to obstruct by unlawful means any investigation under or enforcement of this chapter;

(ii) Retaliate or discriminate against a resident or employee of a residential care facility for initiating, participating in, or testifying in any action against a residential care facility;

(iii) File false, incomplete, or misleading information or fail or refuse to file information required to be filed under this chapter; or

(iv) Commit any act that violates a provision of this chapter and that creates a risk of death or serious harm to a resident.

(c) A violation of this subsection constitutes a misdemeanor. A violation of this subsection for which there has been a previous conviction constitutes a felony and shall be punished as a class C felony under chapter 9A.20 RCW.

(2)(a) No person shall purposely or recklessly commit any act that violates a provision of this chapter and that results in death or serious harm to a resident.

(b) A violation of (a) of this subsection constitutes a felony and shall be punished as a class C felony under chapter 9A.20 RCW.

NEW SECTION. Sec. 37. The remedies provided in this chapter are cumulative and shall not restrict any agency or person from seeking any remedy provided by law or from obtaining additional relief based upon the same facts.

NEW SECTION. Sec. 38. Nothing in this chapter or the rules adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents in any residential care facility conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination.

NEW SECTION. Sec. 39. The enactment of this chapter does not have the effect of terminating, or in any way modifying, a license issued to an adult family home under RCW 74.08.044 or a boarding home under chapter 18.20 RCW which is already in existence on the effective date of this act.

Sec. 40. Section 2, chapter 117, Laws of 1951 as last amended by section 1, chapter 236, Laws of 1983 and RCW 18.51.010 are each amended to read as follows:

(1) 'Nursing home' means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. It may also include care of mentally incompetent persons. It may also include community-based care. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any (~~boarding home~~) residential care facility, guest home, hotel or related institution which is held forth to the public as providing, and which is operated to give only board, room and laundry to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. The mere designation by the operator of any place or institution as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this chapter: PROVIDED, That any nursing home providing psychiatric treatment shall, with respect to patients receiving such treatment, comply with the provisions of RCW 71.12.560 and 71.12.570.

(2) 'Person' means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(3) 'Secretary' means the secretary of the department of social and health services.

(4) 'Department' means the state department of social and health services.

(5) 'Community-based care' means but is not limited to the following:

(a) Home delivered nursing services;

(b) Personal care;

(c) Day care;

(d) Nutritional services, both in-home and in a communal dining setting;

(e) Habilitation care; and

(f) Respite care.

Sec. 41. Section 14, chapter 122, Laws of 1969 as last amended by section 16, chapter 447, Laws of 1987 and RCW 18.100.140 are each amended to read as follows:

Nothing in this chapter shall authorize a director, officer, shareholder, agent or employee of a corporation organized under this chapter, or a corporation itself organized under this chapter, to do or perform any act which would be illegal, unethical or unauthorized conduct under the provisions of the following acts: (1) Medical disciplinary act, chapter 18.72 RCW; (2) Anti-rebating act, chapter 19.68 RCW; (3) State bar act, chapter 2.48 RCW; (4) Professional accounting act, chapter 18.04 RCW; (5) Professional architects act, chapter 18.08 RCW; (6) Professional auctioneers act, chapter 18.11 RCW; (7) Cosmetologists, barbers, and manicurists, chapter 18.16 RCW; (8) ~~(Boarding homes act, chapter 18.20 RCW)~~ Residential care facilities, chapter 70.— RCW (sections 1 through 39 of this act); (9) Podiatry, chapter 18.22 RCW; (10) Chiropractic act, chapter 18.25 RCW; (11) Registration of contractors, chapter 18.27 RCW; (12) Debt adjusting act, chapter 18.28 RCW; (13) Dental hygienist act, chapter 18.29 RCW; (14) Dentistry, chapter 18.32 RCW; (15) Dispensing opticians, chapter 18.34 RCW; (16) Naturopathic act, chapter 18.36A RCW; (17) Embalmers and funeral directors, chapter 18.39 RCW; (18) Engineers and land surveyors, chapter 18.43 RCW; (19) Escrow agents registration act, chapter 18.44 RCW; (20) Maternity homes, chapter 18.46 RCW; (21) Midwifery, chapter 18.50 RCW; (22) Nursing homes, chapter 18.51 RCW; (23) Optometry, chapter 18.53 RCW; (24) Osteopathy, chapter 18.57 RCW; (25) Pharmacists, chapter 18.64 RCW; (26) Physical therapy, chapter 18.74 RCW; (27) Practical nurses, chapter 18.78 RCW; (28) Psychologists, chapter 18.83 RCW; (29) Real estate brokers and salesmen, chapter 18.85 RCW; (30) Registered professional nurses, chapter 18.88 RCW; (31) Veterinarians, chapter 18.92 RCW.

Sec. 42. Section 8, chapter 96, Laws of 1974 ex. sess. as amended by section 1, chapter 282, Laws of 1975 1st ex. sess. and RCW 19.27.080 are each amended to read as follows:

Nothing in this 1974 act shall affect the provisions of chapters 19.28, 43.22, 70.77, 70.79, 70.87, 48.48, ~~((+8-26))~~ 18.46, 18.51, 28A.02, 28A.04, 70.41, 70.62, 70.75, 70.108, 71.12, 74.15, 70.94, or 76.04 RCW or grant rights to duplicate the authorities provided under chapters 70.94 or 76.04 RCW.

Sec. 43. Section 35A.70.070, chapter 119, Laws of 1967 ex. sess. as last amended by section 4, chapter 223, Laws of 1987 and RCW 35A.70.070 are each amended to read as follows:

Every code city may exercise the powers authorized and shall perform the duties imposed upon cities of like population relating to the public health and safety as provided by Title 70 RCW and, without limiting the generality of the foregoing, shall: (1) Organize boards of health and appoint a health officer with the authority, duties and functions as provided in chapter 70.05 RCW, or provide for combined city-county health departments as provided and in accordance with the provisions of chapter 70.08 RCW; (2) contribute and participate in public health pooling funds as authorized by chapter 70.12 RCW; (3) control and provide for treatment of ~~((venereal))~~ sexually transmitted diseases as authorized by chapter 70.24 RCW; (4) provide for the care and control of tuberculosis as provided in chapters 70.28, 70.30, 70.32, and 70.54 RCW; (5) participate in health districts as authorized by chapter 70.46 RCW; (6) exercise control over water pollution as provided in chapter 35.88 RCW; (7) for all code cities having a population of more than twenty thousand serve as a primary district for registration of vital statistics in accordance with the provisions of chapter 70.58 RCW; (8) observe and enforce the provisions relating to fireworks as provided in chapter 70.77 RCW; (9) enforce the provisions relating to swimming pools provided in chapter 70.90 RCW; (10) enforce the provisions of chapter ~~((+8-26))~~ 70.— RCW (sections 1 through 39 of this act) when applicable; (11) perform the functions relating to mentally ill prescribed in chapter ~~((s))~~ 72.06 ~~((and 71+12))~~ RCW; (12) cooperate with the state department of social and health services in mosquito control as authorized by RCW 70.22.060; and (13) inspect nursing homes as authorized by RCW 18.51.145.

Sec. 44. Section 5, chapter 245, Laws of 1988 and RCW 70.127.040 are each amended to read as follows:

The following are not subject to regulation for the purposes of this chapter:

- (1) A family member;
- (2) An organization that provides only meal services in a person's residence;
- (3) Entities furnishing durable medical equipment that does not involve the delivery of professional services beyond those necessary to set up and monitor the proper functioning of the equipment and educate the user on its proper use;
- (4) A person who provides services through a contract with a licensed agency;
- (5) An employee or volunteer of a licensed agency who provides services only as an employee or volunteer;
- (6) Facilities and institutions, including but not limited to nursing homes under chapter 18.51 RCW, hospitals under chapter 70.41 RCW, ~~((boarding homes under chapter 18.20 RCW, developmental disability))~~ residential (program) care facilities under chapter ~~((71+12))~~ 70.— RCW (sections 1 through 39 of this act), or other facilities and institutions, only when providing services to persons residing within the facility or institution if the delivery of the services is regulated by the state;
- (7) Persons providing care to disabled persons through a contract with the department;

(8) Nursing homes, hospitals, or other institutions, agencies, organizations, or persons that contract with licensed home health, hospice, or home care agencies for the delivery of services;

(9) In-home assessments of an ill, disabled, or infirm person's ability to adapt to the home environment that does not result in regular ongoing care at home;

(10) Services conducted by and for the adherents of a church or religious denomination that rely upon spiritual means alone through prayer for healing in accordance with the tenets and practices of such church or religious denomination and the bona fide religious beliefs genuinely held by such adherents;

(11) A medicare-approved dialysis center operating a medicare-approved home dialysis program;

(12) Case management services which do not include the direct delivery of home health, hospice, or home care services.

Sec. 45. Section 3, chapter 204, Laws of 1982 as amended by section 2, chapter 274, Laws of 1986 and RCW 71.24.025 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Acutely mentally ill' means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020(2) or, in the case of a child, as defined in RCW 71.34.020(12);

(b) Being gravely disabled as defined in RCW 71.05.020(1) or, in the case of a child, as defined in RCW 71.34.020(8); or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020(3) or, in the case of a child, as defined in RCW 71.34.020(11).

(2) 'Available resources' means those funds which shall be appropriated under this chapter by the legislature during any biennium for the purpose of providing community mental health programs under RCW 71.24.045.

(3) 'Licensed service provider' means an entity licensed by the department according to state minimum standards or individuals licensed under chapter 18.71, 18.83, or 18.88 RCW.

(4) 'Child' means a person under the age of eighteen years.

(5) 'Chronically mentally ill person' means a child or adult who has a mental disorder, in the case of a child as defined by chapter 71.34 RCW, and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years or, in the case of a child, has been placed by the department or its designee two or more times outside of the home, where the placements are related to a mental disorder, as defined in chapter 71.34 RCW, and where the placements progress toward a more restrictive setting. Placements by the department include but are not limited to placements by child protective services and child welfare services;

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year;

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. 'Substantial gainful activity' shall be defined by the department by rule consistent with Public Law 92-603, as amended, and shall include school attendance in the case of a child; or

(d) In the case of a child, has been subjected to continual distress as indicated by repeated physical or sexual abuse or neglect.

(6) 'Community mental health program' means all mental health services established by a county authority.

(7) 'County authority' means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(8) 'Department' means the department of social and health services.

(9) 'Mental health services' means community services pursuant to RCW 71.24.035(5)(b) and other services provided by the state for the mentally ill.

(10) 'Mentally ill persons' and 'the mentally ill' mean persons and conditions defined in subsections (1), (5), and (12) of this section.

(11) 'Residential services' means a facility or distinct part thereof licensed as a residential care facility under chapter 70.-- RCW (sections 1 through 39 of this act) which provides food, clothing, and shelter, and may include day treatment services as defined in RCW 71.24.045, for acutely mentally ill, chronically mentally ill, or seriously disturbed persons as defined in this section. ~~((Such facilities include, but are not limited to, congregate care facilities providing mental health client services as stipulated by contract with the department beginning January 1, 1982.))~~

(12) 'Seriously disturbed person' means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or others as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(13) 'Secretary' means the secretary of social and health services.

(14) 'State minimum standards' means: (a) Minimum requirements for management and delivery of mental health services as established by departmental rules and necessary to implement this chapter, including but not limited to county administration, licensing service providers, information, accountability, contracts, and services; and (b) minimum service requirements for licensed service providers for the provision of mental health services as established by departmental rules pursuant to chapter ~~((34-04))~~ 34.05 RCW as necessary to implement this chapter, including, but not limited to: Qualifications for staff providing services directly to mentally ill persons; the intended result of each service for those priority groups identified in RCW 71.24.035(5)(b); and the rights and responsibilities of persons receiving mental health services pursuant to this chapter.

Sec. 46. Section 208, chapter 176, Laws of 1988 and RCW 71A.12.080 are each amended to read as follows:

(1) The secretary shall adopt rules concerning the eligibility of residents of residential habilitation centers for placement in community residential programs under this title; determination of ability of such persons or their estates to pay all or a portion of the cost of care, support, and training; the manner and method of ~~((licensing or))~~ certification and inspection and approval of specialized services provided by residential care facilities licensed under chapter 70.-- RCW (sections 1 through 39 of this act) and such other community residential programs for placement under this title; and procedures for the payment of costs of care, maintenance, and training in community residential programs. The rules shall include standards for care, maintenance, and training to be met by such community residential programs.

(2) The secretary shall coordinate state activities and resources relating to placement in community residential programs to help efficiently expend state and local resources and, to the extent designated funds are available, create an effective community residential program.

Sec. 47. Section 802, chapter 176, Laws of 1988 and RCW 71A.22.020 are each amended to read as follows:

As used in this chapter:

(1) 'Day training center' means a facility equipped, supervised, managed, and operated at least three days per week by any person, association, or corporation on a nonprofit basis for the day-care, treatment, training, and maintenance of persons with developmental disabilities, and approved under this chapter and the standards under rules adopted by the secretary.

(2) 'Group training home' means a facility equipped, supervised, managed, and operated on a full-time basis by any person, association, or corporation on a nonprofit basis for the full-time care, treatment, training, and maintenance of persons with developmental disabilities, licensed as a residential care facility under chapter 70.-- RCW (sections 1 through 39 of this act) and approved under this chapter ~~((and the standards under the rules adopted by the secretary))~~ to provide specialized services to its residents.

Sec. 48. Section 1, chapter 172, Laws of 1967 as last amended by section 192, chapter 3, Laws of 1983 and RCW 74.15.010 are each amended to read as follows:

The purpose of chapter 74.15 RCW and RCW 74.13.031 is:

(1) To safeguard the well-being of children~~((;))~~ and expectant mothers ~~((and developmentally disabled persons))~~ receiving care away from their own homes;

(2) To strengthen and encourage family unity and to sustain parental rights and responsibilities to the end that foster care is provided only when a child's family, through the use of all available resources, is unable to provide necessary care;

(3) To promote the development of a sufficient number and variety of adequate child-care and maternity-care facilities, both public and private, through the cooperative efforts of public and voluntary agencies and related groups.

(4) To provide consultation to agencies caring for children~~((;))~~ or expectant mothers ~~((or developmentally disabled persons))~~ in order to help them to improve their methods of and facilities for care;

(5) To license agencies as defined in RCW 74.15.020 and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all agencies caring for children~~((;))~~ and expectant mothers ~~((and developmentally disabled persons))~~.

Sec. 49. Section 2, chapter 172, Laws of 1967 as last amended by section 912, chapter 176, Laws of 1988 and RCW 74.15.020 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

- (1) 'Department' means the state department of social and health services;
- (2) 'Secretary' means the secretary of social and health services;
- (3) 'Agency' means any person, firm, partnership, association, corporation, or facility which receives children(;) or expectant mothers(~~(-or persons with developmental disabilities)~~) for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children(;) or expectant mothers(~~(-or persons with developmental disabilities)~~) for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children(;) or expectant mothers (~~(or persons with developmental disabilities)~~) for services rendered:
 - (a) 'Group-care facility' means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;
 - (b) 'Child-placing agency' means an agency which places a child or children for temporary care, continued care, or for adoption;
 - (c) 'Maternity service' means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;
 - (d) 'Day-care center' means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;
 - (e) 'Foster-family home' means an agency which regularly provides care on a twenty-four hour basis to one or more children(;) or expectant mothers(~~(-or persons with developmental disabilities)~~) in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;
 - (f) 'Crisis residential center' means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036.
 - (4) 'Agency' shall not include the following:
 - (a) Persons related by blood or marriage to the child(;) or expectant mother(~~(-or persons with developmental disabilities)~~) in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, and/or first cousin;
 - (b) Persons who are legal guardians of the child(;) or expectant mother(~~(-or persons with developmental disabilities)~~);
 - (c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person does not engage in such activity on a regular basis, or where parents on a mutually cooperative basis exchange care of one another's children, or persons who have the care of an exchange student in their own home;
 - (d) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;
 - (e) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;
 - (f) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;
 - (g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;
 - (h) Licensed physicians or lawyers;
 - (i) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;
 - (j) Facilities approved and certified under chapter 71A.22 RCW;
 - (k) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;
 - (l) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a preplacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;
 - (m) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;
 - (n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.
 - (5) 'Requirement' means any rule, regulation or standard of care to be maintained by an agency.

Sec. 50. Section 3, chapter 189, Laws of 1988 and RCW 74.15.030 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children(;) or expectant mothers (~~(or developmentally disabled persons)~~). In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children(;) and expectant mothers (~~(-and developmentally disabled persons)~~). Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children(;) or expectant mothers (~~(or developmentally disabled persons)~~);

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children(;) and expectant mothers (~~(-and developmentally disabled persons)~~) prior to authorizing that person to care for children(;) and expectant mothers (~~(-and developmentally disabled persons)~~). However, if a child is placed with a relative under RCW 13.34.060 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including day care centers and family day care homes, to determine whether the abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the children's services advisory committee; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children(;) and expectant mothers (~~(and developmentally disabled persons)~~).

Sec. 51. Section 4, chapter 172, Laws of 1967 as last amended by section 7, chapter 118, Laws of 1982 and RCW 74.15.040 are each amended to read as follows:

An agency seeking to accept and serve children(~~(-developmentally disabled persons)~~) or expectant mothers as a foster-family home shall make application for license in such form and

substance as required by the department. The department shall maintain a list of applicants through which placement may be undertaken. However, agencies and the department shall not place a child(~~developmentally disabled person~~) or expectant mother in a home until the home is licensed. Foster-family homes shall be inspected prior to licensure, except that inspection by the department is not required if the foster-family home is under the supervision of a licensed agency upon certification to the department by the licensed agency that such homes meet the requirements for foster homes as adopted pursuant to chapter 74.15 RCW and RCW 74.13.031.

Sec. 52. Section 9, chapter 172, Laws of 1967 as last amended by section 14, chapter 170, Laws of 1987 and RCW 74.15.090 are each amended to read as follows:

Except as provided in RCW 74.15.190, it shall hereafter be unlawful for any agency to receive children(;) or expectant mothers (~~or developmentally disabled persons~~) for supervision or care, or arrange for the placement of such persons, unless such agency is licensed as provided in chapter 74.15 RCW.

NEW SECTION, Sec. 53. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 253, Laws of 1957, section 1, chapter 297, Laws of 1985 and RCW 18.20.010;

(2) Section 2, chapter 253, Laws of 1957, section 25, chapter 141, Laws of 1979, section 4, chapter 213, Laws of 1985 and RCW 18.20.020;

(3) Section 3, chapter 253, Laws of 1957 and RCW 18.20.030;

(4) Section 4, chapter 253, Laws of 1957 and RCW 18.20.040;

(5) Section 5, chapter 253, Laws of 1957, section 1, chapter 247, Laws of 1971 ex. sess., section 4, chapter 201, Laws of 1982, section 3, chapter 75, Laws of 1987 and RCW 18.20.050;

(6) Section 6, chapter 253, Laws of 1957, section 5, chapter 213, Laws of 1985 and RCW 18.20.060;

(7) Section 7, chapter 253, Laws of 1957 and RCW 18.20.070;

(8) Section 9, chapter 253, Laws of 1957, section 3, chapter 189, Laws of 1971 ex. sess., section 6, chapter 213, Laws of 1985 and RCW 18.20.090;

(9) Section 10, chapter 253, Laws of 1957, section 26, chapter 141, Laws of 1979 and RCW 18.20.100;

(10) Section 11, chapter 253, Laws of 1957, section 7, chapter 213, Laws of 1985 and RCW 18.20.110;

(11) Section 12, chapter 253, Laws of 1957 and RCW 18.20.120;

(12) Section 13, chapter 253, Laws of 1957, section 81, chapter 266, Laws of 1986 and RCW 18.20.130;

(13) Section 14, chapter 253, Laws of 1957 and RCW 18.20.140;

(14) Section 15, chapter 253, Laws of 1957 and RCW 18.20.150;

(15) Section 16, chapter 253, Laws of 1957, section 1, chapter 43, Laws of 1975 1st ex. sess., section 2, chapter 297, Laws of 1985 and RCW 18.20.160;

(16) Section 17, chapter 253, Laws of 1957 and RCW 18.20.170;

(17) Section 20, chapter 253, Laws of 1957 and RCW 18.20.900;

(18) Section 35A.66.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.66.010;

(19) Section 35A.70.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.70.020;

(20) Section 9, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.090; and

(21) Section 11, chapter 172, Laws of 1969 ex. sess., section 1, chapter 52, Laws of 1975-76 2nd ex. sess. and RCW 74.08.044.

NEW SECTION, Sec. 54. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 55. Sections 1 through 39 of this act shall constitute a new chapter in Title 70 RCW."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 18.51.010, 18.100.140, 19.27.080, 35A.70.070, 70.127.040, 71.24.025, 71A.12.080, 71A.22.020, 74.15.010, 74.15.020, 74.15.030, 74.15.040, and 74.15.090; adding a new chapter to Title 70 RCW; repealing RCW 18.20.010, 18.20.020, 18.20.030, 18.20.040, 18.20.050, 18.20.060, 18.20.070, 18.20.090, 18.20.100, 18.20.110, 18.20.120, 18.20.130, 18.20.140, 18.20.150, 18.20.160, 18.20.170, 18.20.900, 35A.66.010, 35A.70.020, 70.96A.090, and 74.08.044; and prescribing penalties."

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Ebersole, Hine, May, McLean, Nealey, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

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

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Brough, Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1542 Prime Sponsor, Representative Braddock: Creating a system making offenders accountable for legal financial obligations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care be substituted therefor and the substitute bill do pass with the following amendments by Committee on Appropriations:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The purpose of this act is to create a system that: (1) Assists the courts in sentencing felony offenders regarding the offenders' legal financial obligations; (2) holds offenders accountable to victims, counties, cities, the state, municipalities, and society for the assessed costs associated with their crimes; and (3) provides remedies for an individual or other entities to recoup or at least defray a portion of the loss associated with the costs of felonious behavior.

Sec. 2. Section 11, chapter 145, Laws of 1988, section 1, chapter 153, Laws of 1988, section 2, chapter 154, Laws of 1988 and section 1, chapter 157, Laws of 1988 and RCW 9.94A.030 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Commission' means the sentencing guidelines commission.

(2) 'Community corrections officer' means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(3) 'Community custody' means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(4) 'Community placement' means a one-year period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(5) 'Community service' means compulsory service, without compensation, performed for the benefit of the community by the offender.

(6) 'Community supervision' means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(7) 'Confinement' means total or partial confinement as defined in this section.

(8) 'Conviction' means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(9) 'Court-ordered legal financial obligation' means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. The legal financial obligation including those that are imposed on behalf of victims may be collected by the department of corrections and remitted to the court.

(10) 'Crime-related prohibition' means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

((+0)) (11) (a) 'Criminal history' means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) 'Criminal history' includes a defendant's prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

((+1)) (12) 'Department' means the department of corrections.

((+2)) (13) 'Determinate sentence' means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a ~~(fine or restitution)~~ legal financial obligation. The fact that an offender through 'earned early release' can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

((+3)) (14) 'Disposable earnings' means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, 'earnings' means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(15) 'Drug offense' means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

((+4)) (16) 'Escape' means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to comply with any limitations on the inmate's movements while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

((+5)) (17) 'Felony traffic offense' means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

((+6)) (18) 'Fines' means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

((+7)) (19) (a) 'First-time offender' means any person who is convicted of a felony (I) not classified as a violent offense or a sex offense under this chapter, or (II) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction.

((+8)) (20) 'Nonviolent offense' means an offense which is not a violent offense.

((+9)) (21) 'Offender' means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms 'offender' and 'defendant' are used interchangeably.

((+10)) (22) 'Partial confinement' means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention has been ordered by the court, in the residence of either the defendant or a member of the defendant's immediate family, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release and home detention as defined in this section.

((+11)) (23) 'Postrelease supervision' is that portion of an offender's community placement that is not community custody.

((+12)) (24) 'Restitution' means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

((+13)) (25) 'Serious traffic offense' means:

(a) Driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((24))~~ (26) 'Serious violent offense' is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((25))~~ (27) 'Sentence range' means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((26))~~ (28) 'Sex offense' means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((27))~~ (29) 'Total confinement' means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((28))~~ (30) 'Victim' means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

~~((29))~~ (31) 'Violent offense' means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, child molestation in the first degree, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((30))~~ (32) 'Work release' means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

~~((31))~~ (33) 'Home detention' means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, for the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, unlawful imprisonment as defined in RCW 9A.40.040, burglary in the second degree as defined in RCW 9A.52.030, or harassment as defined in RCW 9A.46.020. Participation in a home detention program shall be conditioned upon: (a) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, (b) abiding by the rules of the home detention program, and (c) compliance with court-ordered ~~(restitution)~~ legal financial obligations.

NEW SECTION. Sec. 3. (1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation.

(2) All legal financial obligations that are ordered as a result of a conviction for a felony, shall also constitute a civil judgment. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation after the department's responsibility for collection has ceased.

(3) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to truthfully and honestly respond to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring any and all documents as requested by the department.

(4) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(5) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. Also, during the period of supervision, the offender may be required at the request of the department to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to truthfully and honestly respond to all questions concerning earning capabilities and the location and nature of all property or financial assets. Also, the offender is required to bring any and all documents as requested by the department in order to prepare the collection schedule.

(6) After the judgment and sentence or payment order is entered, the department shall for any period of supervision be authorized to collect the legal financial obligation from the offender. After the funds are collected by the department, the funds shall be remitted to the county clerk's office for the purposes of disbursement. The department is authorized to accept credit cards as payment for a legal financial obligation.

(7) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to section 9 of this act.

(8) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition and term of community supervision and the offender is subject to the penalties as provided in RCW 9.94A.200 for noncompliance.

Sec. 4. Section 21, chapter 143, Laws of 1988, section 2, chapter 153, Laws of 1988 and section 3, chapter 154, Laws of 1988 and RCW 9.94A.120 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay ~~((a fine))~~ all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or ~~((accomplish some))~~ perform community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or ~~((a fine))~~ other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay ~~((a fine, accomplish some:))~~ all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense committed before July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of the term of confinement.

If the offender successfully completes the treatment program before the expiration of the term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of community supervision, the court may order the offender to serve out the balance of the community supervision term in confinement in the custody of the department of corrections.

After June 30, 1993, this subsection (b) shall cease to have effect.

(c) When an offender commits any felony sexual offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision, and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(iii) Report as directed to the court and a community corrections officer;

(iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

Nothing in (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sexual offense committed prior to July 1, 1987.

(8) (a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense, a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150(1). When the court sentences an offender under this section to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150(1). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense, a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, unless a condition is waived by the court, the sentence shall include, in addition to the other terms of the sentence, a one-year term of community placement on the following conditions:

(i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;

(iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

(iv) An offender in community custody shall not unlawfully possess controlled substances; and

(v) The offender shall pay ~~((community placement))~~ supervision fees as determined by the department of corrections.

(c) The court may also order any of the following special conditions:

(i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol;

(v) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

(vi) The offender shall comply with any crime-related prohibitions.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(9) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(10) If a sentence imposed includes ~~((a fine or restitution))~~ payment of a legal financial obligation, the sentence shall specify ~~((a reasonable manner and time in which the fine or restitution shall be paid. Restitution to victims shall be paid prior to any other payments of monetary obligations. In any sentence under this chapter the court may also require the offender to~~

~~make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law)) the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk's office for credit. The offender's compliance with payment of ((monetary)) legal financial obligations shall be supervised by the department((The rate of payment shall be determined by the court or, in the absence of a rate determined by the court, the rate shall be set by the department)) for a period of ten years. All monetary payments ordered shall be paid no later than ten years after the ((most recent of either the)) last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation after the department's responsibility for collection has ceased. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. ((The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments.))~~

(11) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(12) All offenders sentenced to terms involving community supervision, community service, ((restitution, or fines)) or legal financial obligation shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow explicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(13) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(14) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(15) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(16) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision.

(17) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release or in a program of home detention.

(18) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

Sec. 5. Section 14, chapter 137, Laws of 1981 as last amended by section 3, chapter 281, Laws of 1987 and RCW 9.94A.140 are each amended to read as follows:

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days ((and may set the terms and conditions under which the defendant shall make restitution)). The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court shall take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the

report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department for a maximum period of ten years.

(2) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim or defendant.

Sec. 6. Section 10, chapter 443, Laws of 1985 as amended by section 4, chapter 281, Laws of 1987 and RCW 9.94A.142 are each amended to read as follows:

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days (~~and shall set the terms and conditions under which the defendant shall make restitution~~). The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department for a maximum period of ten years.

(2) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or defendant.

(5) This section shall apply to offenses committed after July 1, 1985.

Sec. 7. Section 20, chapter 137, Laws of 1981 as last amended by section 11, chapter 153, Laws of 1988 and by section 2, chapter 155, Laws of 1988 and RCW 9.94A.200 are each reenacted and amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the requirements or conditions of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community service obligation to total or partial confinement, or (iii) convert monetary obligations, except restitution and the crime victim penalty assessment, to community service hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community service. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court; and

(c) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of ~~((fines or other monetary payments))~~ legal financial obligations and regarding community service obligations.

(3) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 8. Section 2, chapter 207, Laws of 1982 as amended by section 15, chapter 209, Laws of 1984 and RCW 9.94A.270 are each amended to read as follows:

(1) Whenever a punishment imposed under this chapter requires community supervision services to be provided, the sentencing court shall require that the offender pay to the department of corrections the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the probation and which shall be considered as payment or part payment of the cost of providing probation supervision to the probationer. The court may exempt a person from the payment of all or any part of the assessment based upon any of the following factors:

(a) The offender has diligently attempted but has been unable to obtain employment that provides the offender sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the court.

(d) The offender's age prevents him from obtaining employment.

(e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(f) Other extenuating circumstances as determined by the court.

(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The department may, if it finds it appropriate, prescribe a schedule of assessments that shall vary in accordance with the intensity or cost of the supervision. The department may not prescribe any assessment that is less than ten dollars nor more than fifty dollars.

(3) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the ~~((state general))~~ dedicated fund established pursuant to section 26 of this act.

(4) This section shall not apply to probation services provided under an interstate compact pursuant to chapter 9.95 RCW or to probation services provided for persons placed on probation prior to June 10, 1982.

NEW SECTION. Sec. 9. A petition or motion seeking a mandatory wage assignment in a criminal action may be filed by the department or any obligee if the offender is more than thirty days past due in monthly payments in an amount equal to or greater than the amount payable for one month. The petition or motion shall include a sworn statement by the secretary or designee, or if filed solely by an obligee, by such obligee, stating the facts authorizing the issuance of the wage assignment order, including: (1) That the offender, stating his or her name and last known residence, is more than thirty days past due in payments in an amount equal to or greater than the amount payable for one month; (2) a description of the terms of the judgment and sentence and/or payment order requiring payment of a court-ordered legal financial obligation, the total amount remaining unpaid, and the amount past due; (3) the name and address of the offender's employer; (4) that notice by personal service, or any form of mail requiring a return receipt, has been provided to the offender at least fifteen days prior to the filing of a mandatory wage assignment, unless the judgment and sentence or the order for

payment states that the department or obligee may seek a mandatory wage assignment without notice to the defendant. A copy of the judgment and sentence or payment order shall be attached to the petition or motion seeking the wage assignment.

NEW SECTION. Sec. 10. Upon receipt of a petition or motion seeking a mandatory wage assignment that complies with section 9 of this act, the court shall issue a wage assignment order as provided in section 12 of this act and including the information required in section 9 of this act, directed to the employer, and commanding the employer to answer the order on the forms served with the order that comply with section 14 of this act within twenty days after service of the order upon the employer.

NEW SECTION. Sec. 11. (1) The wage assignment order in section 10 of this act shall include: (a) The maximum amount or current amount owed on a court-ordered legal financial obligation, if any, to be withheld from the defendant's earnings each month, or from each earnings disbursement; and (b) the total amount of the arrearage or reimbursement judgment previously entered by the court, if any, together with interest, if any.

(2) The total amount to be withheld from the defendant's earnings each month, or from each earnings disbursement, shall not exceed twenty-five percent of the disposable earnings of the defendant. If the amounts to be paid toward the arrearage are specified in the payment order, then the maximum amount to be withheld is the sum of the current amount owed and the amount ordered to be paid toward the arrearage, or twenty-five percent of the disposable earnings of the defendant, whichever is less.

(3) If the defendant is subject to two or more attachments for payment of a court-ordered legal financial obligation on account of different obligees, the employer shall, if the nonexempt portion of the defendant's earnings is not sufficient to respond fully to all the attachments, apportion the defendant's nonexempt disposable earnings between or among the various obligees equally. Any obligee may seek a court order reapportioning the defendant's nonexempt disposable earnings upon notice to all interested parties. Notice shall be by personal service, or in the manner provided by the civil rules of superior court or applicable statute.

NEW SECTION. Sec. 12. The department shall develop a form and adopt rules for the wage assignment order.

NEW SECTION. Sec. 13. (1) An employer upon whom service of a wage assignment order has been made shall answer the order by sworn affidavit within twenty days after the date of service. The answer shall state whether the offender is employed by or receives earnings from the employer, whether the employer will honor the wage assignment order, and whether there are multiple attachments against the offender.

(2) If the employer possesses any earnings due and owing to the offender, the earnings subject to the wage assignment order shall be withheld immediately upon receipt of the wage assignment order. The withheld earnings shall be delivered to the department of corrections to be remitted to the clerk of the court pursuant to the payment order who entered the order at each regular pay interval, but the first delivery shall occur no sooner than twenty days after receipt of the wage assignment order.

(3) The employer shall continue to withhold the ordered amounts from nonexempt earnings of the offender until notified by the court that the wage assignment has been modified or terminated. The employer shall promptly notify the clerk of the court who entered the order when the employee is no longer employed.

(4) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the wage assignment order, even if the remainder is exempt under section 11 of this act. The processing fee may not exceed: (a) Ten dollars for the first disbursement made by the employer to the clerk of the court; and (b) one dollar for each subsequent disbursement made under the wage assignment order.

(5) An order for wage assignment entered under this chapter shall have priority over any other wage assignment or garnishment, except for a wage assignment or garnishment for child support, or an order to withhold and deliver under chapter 74.20A RCW or any other collection action under chapter 26.18 or 74.20 RCW.

(6) An employer who fails to withhold earnings as required by a wage assignment order issued under this chapter may be held liable for the amounts disbursed to the offender in violation of the wage assignment order, and may be found by the court to be in contempt of court and may be punished as provided by law.

(7) No employer who complies with a wage assignment order issued under this chapter may be liable to the employee for wrongful withholding.

(8) No employer may discharge, discipline, or refuse to hire an employee because of the entry or service of a wage assignment order issued and executed under this chapter. A person who violates this subsection may be found by the court to be in contempt of court and may be punished as provided by law.

(9) An employer shall deliver a copy of the wage assignment order to the obligor as soon as is reasonably possible.

NEW SECTION. Sec. 14. The department shall develop a form and adopt rules for the wage assignment answer.

NEW SECTION. Sec. 15. (1) Service of the wage assignment order on the employer is invalid unless it is served with five answer forms in substantial conformance with section 14 of this act, together with stamped envelopes addressed to, respectively, the clerk of the court where the order was issued, the obligee's attorney, the petitioner, the department, and the obligor. The petitioner shall also include an extra copy of the wage assignment order for the employer to deliver to the obligor. Service on the employer shall be in person or by any form of mail requiring a return receipt.

(2) On or before the date of service of the wage assignment order on the employer, the petitioner shall mail or cause to be mailed by certified mail a copy of the wage assignment order to the obligor at the obligor's last known post office address; or, in the alternative, a copy of the wage assignment order shall be served on the obligor in the same manner as a summons in a civil action on, before, or within two days after the date of service of the order on the employer. This requirement is not jurisdictional, but if the copy is not mailed or served as this subsection provides, or if any irregularity appears with respect to the mailing of service, the superior court, in its discretion, may quash the wage assignment order, upon motion of the obligor promptly made and supported by an affidavit showing that the defendant has suffered substantial injury due to the failure to mail or serve the copy.

NEW SECTION. Sec. 16. In a hearing to quash, modify, or terminate the wage assignment order, the court may grant relief only upon a showing that the wage assignment order causes extreme hardship or substantial injustice. Satisfaction by the defendant of all past-due payments subsequent to the issuance of the wage assignment order is not grounds to quash, modify, or terminate the wage assignment order. If a wage assignment order has been in operation for twelve consecutive months and the obligor's payment towards a court-ordered legal financial obligation is current, the court may terminate the order upon motion of the obligor unless the obligee or the department can show good cause as to why the wage assignment order should remain in effect.

NEW SECTION. Sec. 17. In any action to enforce legal financial obligations under this chapter, the prevailing party is entitled to a recovery of costs, including an award for reasonable attorneys' fees. An obligor may not be considered a prevailing party under this section unless the obligee has acted in bad faith in connection with the proceeding in question.

NEW SECTION. Sec. 18. For those individuals who, as a condition and term of their sentence imposed on or before July 1, 1989, have had financial obligations imposed, and who are not in compliance with the court order requiring payment of that legal financial obligation, no action shall be brought before the court from July 1, 1989, through and including December 31, 1989, to impose a penalty for their failure to pay. All individuals who, after December 31, 1989, have not taken the opportunity to bring their legal financial obligation current, shall be proceeded against pursuant to RCW 9.94A.200.

NEW SECTION. Sec. 19. Sections 3 and 9 through 18 of this act are each added to chapter 9.94A RCW.

Sec. 20. Section 1, chapter 207, Laws of 1982 and RCW 72.04A.120 are each amended to read as follows:

(1) Any person placed on parole shall be required to pay the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the parole and which shall be considered as payment or part payment of the cost of providing parole supervision to the parolee. The board may exempt a person from the payment of all or any part of the assessment based upon any of the following factors:

(a) The offender has diligently attempted but has been unable to obtain employment which provides the offender sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the board.

(d) The offender's age prevents him from obtaining employment.

(e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(f) Other extenuating circumstances as determined by the board.

(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The department may, if it finds it appropriate, prescribe a schedule of assessments which shall vary in accordance with the intensity or cost of the supervision. The department may not prescribe any assessment which is less than ten dollars nor more than fifty dollars.

(3) Payment of the assessed amount shall constitute a condition of parole for purposes of the application of RCW 72.04A.090.

(4) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the ~~((state general))~~ dedicated fund established pursuant to section 26 of this act.

(5) This section shall not apply to parole services provided under an interstate compact pursuant to chapter 9.95 RCW or to parole services provided for offenders paroled before June 10, 1982.

Sec. 21. Section 6, chapter 17, Laws of 1967 and RCW 72.65.060 are each amended to read as follows:

The earnings of a work release participant shall not be subject to garnishment, attachment, or execution while such earnings are either in the possession of the employer or any state officer authorized to hold such funds, except for payment of a court-ordered legal financial obligation as that term is defined in section 22 of this act.

NEW SECTION. Sec. 22. Unless a different meaning is plainly required by the context, the following words and phrases as hereafter used in this chapter shall have the following meanings:

(1) 'Court-ordered legal financial obligation' means a sum of money that is ordered by a superior court of the state of Washington for payment of restitution to a victim, statutorily imposed crime victims compensation fee, court costs, a county or interlocal drug fund, court-appointed attorneys' fees and costs of defense, fines, and any other legal financial obligation that is assessed as a result of a felony conviction.

(2) 'Department' means the department of corrections.

(3) 'Offender' means an individual who is currently under the jurisdiction of the Washington state department of corrections, and who also has a court-ordered legal financial obligation as a result of a felony conviction.

(4) 'Secretary' means the secretary of the department of corrections or the secretary's designee.

(5) 'Superintendent' means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections.

NEW SECTION. Sec. 23. The secretary shall be custodian of all funds of a convicted person that are in his or her possession upon admission to a state institution, or that are sent or brought to the person, or earned by the person while in custody, or that are forwarded to the superintendent on behalf of a convicted person. All such funds shall be deposited in the personal account of the convicted person within the institutional resident deposit account as established by the office of financial management pursuant to RCW 43.88.195, and the secretary shall have authority to disburse money from such person's personal account for the purposes of satisfying a court-ordered legal financial obligation. Unless specifically granted authority herein, at no time shall the withdrawal of funds for the payment of a legal financial obligation result in reducing the inmate's account to an amount less than the defined level of indigency to be determined by the department.

Further, unless specifically altered herein, court-ordered legal financial obligations shall be paid.

NEW SECTION. Sec. 24. (1) Except as otherwise provided herein, all court-ordered legal financial obligations shall take priority over any other statutorily imposed mandatory withdrawals from inmate's accounts.

(2) For those inmates who are on work release pursuant to chapter 72.65 RCW, before any legal financial obligations are withdrawn from the inmate's account, the inmate is entitled to payroll deductions that are required by law, or such payroll deductions as may reasonably be required by the nature of the employment unless any such amount which his or her work release plan specifies should be retained to help meet the inmate's needs, including costs necessary for his or her participation in the work release plan such as travel, meals, clothing, tools, and other incidentals.

(3) Before the payment of any court-ordered legal financial obligation is required, the department is entitled to reimbursement for any expenses advanced for vocational training pursuant to RCW 72.65.020(2), for expenses incident to a work release plan pursuant to RCW 72.65.090, payments for board and room charges for the work release participant, and payments that are necessary for the support of the work release participant's dependents, if any.

NEW SECTION. Sec. 25. Sections 22 through 24 of this act shall constitute a new chapter in Title 72 RCW.

NEW SECTION. Sec. 26. The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.270 and 72.04A.120 shall be deposited into the fund. Expenditures from the fund may be used only to support the collection of legal financial obligations. Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. Sec. 27. Except for sections 18, 22, 23, and 24 of this act, this act applies prospectively only and not retrospectively. It applies only to offenses committed on or after the effective date of this act.

NEW SECTION. Sec. 28. (1) Sections 1 through 17, 19 through 21, 25, and 26 of this act shall take effect July 1, 1990.

(2) Sections 18, 22, 23, and 24 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

NEW SECTION. Sec. 29. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "obligations;" strike the remainder of the title and insert "amending RCW 9.94A.140, 9.94A.142, 9.94A.270, 72.04A.120, and 72.65.060; reenacting and amending RCW 9.94A.030, 9.94A.120, and 9.94A.200; adding new sections to chapter 9.94A RCW; adding a new chapter to Title 72 RCW; creating new sections; prescribing penalties; providing effective dates; and declaring an emergency."

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Brough, Dorn, Ebersole, Hine, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

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

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 2, 1989

HB 1554 Prime Sponsor, Representative Jacobsen: Providing a program to promote organic farming and low-input agriculture. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; H. Sommers, Vice Chair; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Braddock, Brekke, Brough, Doty, Ebersole, Ferguson, Hine, Holland, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Bowman, May, McLean, Nealey and Padden.

Voting nay: Representatives Grant, Vice Chair; Silver, Ranking Republican Member; Bowman, May, McLean, Nealey and Padden.

Absent: Representatives Bristow, Dorn and Holland.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1557 Prime Sponsor, Representative Vekich: Providing for state employee collective bargaining. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Appelwick, Belcher, Braddock, Brekke, Bristow, Dorn, Ebersole, Hine, Sayan, Spanel, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Brough, May, McLean, Nealey and Padden.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 2, 1989

HB 1560 Prime Sponsor, Representative Braddock: Making changes to medical care provisions. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; H. Sommers, Vice Chair; Appelwick, Belcher, Bowman, Braddock, Brekke, Brough, Dorn, Ebersole, Ferguson, Hine, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Doty, Holland, May, Nealey and Padden.

Voting nay: Representatives Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Doty, Holland, May, McLean, Nealey and Padden.

Absent: Representative Bristow.

Passed to Committee on Rules for second reading.

March 3, 1989

HB 1569 Prime Sponsor, Representative Belcher: Modifying the forest fire protection assessments. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Natural Resources & Parks be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; H. Sommers, Vice Chair; Youngsman, Assistant Ranking Republican Member; Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Doty, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; and Padden.

Absent: Representatives Appelwick, Ebersole, Hine and Sprenkle.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1575 Prime Sponsor, Representative H. Sommers: Modifying school district funding. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Basich, Fraser, Grant, Morris, Phillips, Rust, Silver and H. Sommers.

MINORITY recommendation: Without recommendation. Signed by Representatives Appelwick, Brumsickle, Haugen and Van Luven.

Absent: Representatives Horn, Assistant Ranking Republican Member; and Fuhrman.

Passed to Committee on Rules for second reading.

March 3, 1989

HB 1581 Prime Sponsor, Representative Wang: Providing for family and medical leave. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill do pass with the following amendments by Committee on Appropriations:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature finds that the demands of the workplace and the needs of families need to be balanced to promote family stability and economic security. Changes in workplace leave policies are desirable to accommodate changes in the work force such as rising numbers of dual-career couples and working single parents. Further, inadequate job security exists for some employees who experience serious health conditions which prevent them from working for temporary periods. In addition, given the mobility of American society, many people no longer have available community or family support networks and therefore need additional flexibility in the workplace. The legislature declares it to be in the public interest to provide reasonable family leave upon the birth or adoption of a child or to care for a family member with a serious health condition and to provide reasonable temporary medical leave for an employee with a serious health condition.

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

(1) 'Child' means a biological, adopted, or foster child, a stepchild, or a legal ward, who is:

(a) Under eighteen years of age; or

(b) Eighteen years of age or older and incapable of self-care because of mental or physical disability.

(2) 'Department' means the department of labor and industries.

(3) 'Employee' means a person engaged by an employer:

(a) To work an average of at least eighteen hours per week;

(b) In a job that is not considered temporary or seasonal; and

(c) Who has completed an initial probationary period of not less than three months under a formal probationary policy or six months of employment, whichever is less.

For purposes of this subsection, a job is temporary if the term of employment is less than nine months and the original term has not extended beyond nine months.

(4) 'Employer' means:

(a) Any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state, that employed thirty-five or more persons in this state within a twenty-mile radius of the employee's workplace during any calendar quarter of the previous twelve months: PROVIDED, That until October 1, 1991, 'employer' is limited to any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state, that employed fifty or more persons in this state within a twenty-mile radius of the employee's workplace during any calendar quarter of the previous twelve months; and

(b) The state, state institutions, state agencies, and any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision.

(5) 'Family leave' means leave from employment to care for a newborn or newly adopted child, or a family member with a serious health condition, as provided in section 3 of this act.

(6) 'Health care provider' means a person licensed as a physician under chapter 18.71 RCW, an advanced registered nurse practitioner under rules adopted by the board of nursing under chapter 18.88 RCW, or an osteopath under chapter 18.57 RCW; a person authorized to practice as a physician's assistant under chapter 18.71A RCW; or any other persons licensed or certified to provide health care services and capable of making the determinations required by this chapter, as determined by the department.

(7) 'Medical leave' means leave from employment because of an employee's serious health condition, as provided in section 4 of this act.

(8) 'Parent' means a biological, foster, or adoptive parent, a stepparent, or a legal guardian.

(9) 'Person' includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision.

(10) 'Reduced leave schedule' means leave scheduled for fewer than an employee's usual number of hours per workweek or hours per workday.

(11) 'Serious health condition' means an illness, injury, impairment, or physical or mental condition, whether or not preexisting, which requires:

(a) Inpatient care in a hospital, hospice, or residential medical care facility; or

(b) Continuing treatment or continuing supervision by a health care provider.

NEW SECTION. Sec. 3. (1) Except as provided in subsection (4) of this section, an employee is entitled to thirteen workweeks of family leave during any twenty-four month period under the circumstances in (a) and (b) of this subsection. The leave required by this section is in addition to any leave because of disability as a result of sickness or temporary disability because of pregnancy or childbirth.

(a) An employee may take leave to care for a newborn child of the employee or an adopted child of the employee who is under the age of sixteen at the time of placement for adoption. Leave under this subsection shall be completed within twelve months after the birth or placement for adoption, as applicable.

(b) An employee may take leave to care for any of the following individuals who has a serious health condition:

(i) A child of the employee;

(ii) The spouse of the employee;

(iii) A parent of the employee or the employee's spouse who is dependent for care on the employee; or

(iv) Any other relative of the employee who is dependent for care on the employee and relies on the employee or the employee's spouse for at least twenty-five percent of his or her financial support.

An employee may take leave under this subsection only when the individual requires the care of another person and the employee is an appropriate person to provide the care, as determined by a health care provider.

(2) Leave may be taken on a reduced leave schedule if:

(a) The total period during which the thirteen workweeks is taken does not exceed thirty-six consecutive workweeks; and

(b) The leave is scheduled so as not to disrupt unduly the operations of the employer.

(3) The leave required by this section may be unpaid. If an employer provides paid family leave for more than thirteen workweeks, the additional weeks of leave added to attain the thirteen workweek total may be unpaid. An employer may require an employee to first use up the employee's total accumulation of paid vacation leave, personal leave, family leave, or other comparable paid leave to which the employee is otherwise entitled before going on unpaid leave; however, nothing in this section requires more than thirteen total workweeks of leave.

(4) An employer may limit or deny family leave to an employee who receives compensation that is within the top ten percent of compensation of the employer's employees within the state.

NEW SECTION. Sec. 4. (1) Except as provided in subsection (5) of this section, an employee is entitled to thirteen workweeks of medical leave during any twelve-month period when the employee is unable to perform the functions of the employee's position because of a serious health condition. The leave required by this section shall not be construed to limit any leave required as a reasonable accommodation to the sensory, mental, or physical handicap of the employee.

(2) Medical leave may be taken on a reduced leave schedule if:

(a) The total period during which the thirteen workweeks is taken does not exceed fifty-two consecutive workweeks; and

(b) The leave is scheduled so as not to disrupt unduly the operations of the employer.

(3) The leave required by this section may be unpaid. An employer may require an employee to first use up the employee's total accumulation of paid sick leave, disability leave, vacation leave, personal leave, or other comparable paid leave to which the employee is otherwise entitled before going on unpaid leave; however nothing in this section requires more than thirteen total workweeks of leave.

(4) Nothing in this chapter shall be construed to prohibit an employee with a serious health condition and an employer from mutually agreeing to alternative employment for the employee. Any such period of alternative employment shall not cause a reduction in the period of medical leave to which the employee is entitled.

(5) An employer may limit or deny medical leave to an employee who receives compensation that is within the top ten percent of compensation of the employer's employees within the state.

NEW SECTION. Sec. 5. (1) An employee planning to take family leave under section 3(1)(a) of this act shall provide the employer with at least thirty days' written notice of the expected date of delivery or placement for adoption, except that if the placement for adoption is at an unanticipated time and the employee is unable to give thirty days' written notice, the employee shall notify the employer within twenty-four hours of the placement for adoption.

(2) If family leave under section 3(1)(b) of this act or medical leave under section 4 of this act is foreseeable, the employee shall provide the employer with at least fourteen days' written notice of the expected leave and shall make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the employer.

(3) If family leave under section 3(1)(b) of this act or medical leave under section 4 of this act is not foreseeable fourteen or more days before the leave is to take place, the employee shall notify the employer within twenty-four hours of knowing when the leave is to take place and shall make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the employer.

NEW SECTION. Sec. 6. (1) An employer may require that a claim for family leave under section 3(1)(b) of this act or medical leave under section 4 of this act be confirmed by a health care provider of the child, spouse, parent, other relative, or employee, whichever is appropriate.

(2) The health care provider shall confirm:

(a) The date on which the serious health condition commenced or was discovered;

(b) The probable duration of the condition; and

(c) That the individual requires the care of another person and the employee is an appropriate person to provide the care.

(3) An employer may require, at the employer's expense, that the employee obtain the opinion of a second health care provider selected by the employer concerning any information required under subsection (2) of this section. If the health care providers disagree on any factor which is determinative of the employee's eligibility for family or medical leave, the two health care providers shall select a third health care provider, whose opinion, obtained at the employer's expense, shall be conclusive.

NEW SECTION. Sec. 7. An employer may limit the combined number of workweeks of family leave and medical leave provided under this chapter to thirteen workweeks during any twelve-month period.

NEW SECTION. Sec. 8. (1) Subject to subsection (2) of this section, an employee who exercises any right provided under section 3 or 4 of this act shall be entitled, upon return from leave or during any reduced leave schedule:

(a) To the same position held by the employee when the leave commenced; or
 (b) To a position with equivalent benefits, pay, and other terms and conditions of employment.

(2) The entitlement under subsection (1) of this section does not apply if:

(a) The employer is unable to reinstate the employee due to a bona fide reduction in force; or

(b) The employer is unable to reinstate the employee due to the permanent or temporary shutdown of the employee's workplace for at least thirty days or the transfer of the business of the employee's workplace to a location at least sixty miles from the original location of the workplace.

(3) The taking of leave under this chapter shall not result in the loss of any benefit, including seniority or pension rights, accrued before the date on which the leave commenced.

(4) Except as provided in section 9 of this act, nothing in this chapter shall be construed to require the employer to grant benefits, including seniority or pension rights, during any period of leave.

(5) All policies applied during the period of leave to the classification of employees to which the employee belongs shall apply to the employee on leave.

NEW SECTION. Sec. 9. (1) Subject to subsection (2) of this section, during any period of leave taken under section 3 or 4 of this act, an employer shall maintain the employer's contribution for medical, dental, and disability benefits. The employer's contribution shall be at the level it would be had the employee not taken leave.

(2)(a) In the case of leave under section 3(1)(a) of this act, an employer may require as a condition of making the contribution under subsection (1) of this section that the employee place in escrow with the employer an amount equal to the employer's contribution for medical, dental, and disability benefits for the expected leave period. An employee may pay the amount in three equal installments at regular intervals over the leave period. An employer shall deposit the payments at a financial institution in an interest-bearing account.

(b) Except as provided in subsection (3) of this section, an employer shall return to the employee any payments made under this subsection, plus the accumulated interest, within thirty days after the employee returns from leave.

(3) If an employee ends his or her employment with an employer before returning from leave or within thirty days after returning from leave, the employer may deduct from the amount returned to the employee under subsection (2) of this section any contribution paid by the employer for the employee's medical, dental, or disability insurance while the employee was on leave.

NEW SECTION. Sec. 10. The department shall administer the provisions of this chapter.

NEW SECTION. Sec. 11. The department shall adopt rules to carry out the provisions of this chapter.

NEW SECTION. Sec. 12. (1) The rights and remedies under this chapter are in addition to any other rights or remedies provided by law.

(2) Nothing in this chapter shall be construed to discourage employers from adopting policies which provide greater leave rights to employees than those required by this chapter.

(3) The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof.

NEW SECTION. Sec. 13. (1) Nothing in this chapter shall be construed to supersede any provision of any local law which provides greater leave rights to employees than the rights established under this chapter.

(2) Nothing in this chapter shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement or any employment benefit program or plan which provides greater leave rights to employees than the rights provided under this chapter.

(3) The rights provided to employees under this chapter may not be diminished by any collective bargaining agreement or any employment benefit program or plan entered into or renewed after the effective date of this section.

NEW SECTION. Sec. 14. This chapter shall apply to collective bargaining agreements or employment benefit programs or plans entered into or renewed after the effective date of this section.

NEW SECTION. Sec. 15. The department has power to hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the department. The department may make rules as to the issuance of subpoenas under this chapter, as to service of complaints, decisions, orders, recommendations, and other process or papers of the department, either personally or by registered mail, return receipt requested, or by leaving a copy thereof at the principal office or place of business of the person required to be served. The return post office receipt, when service is by registered mail, shall be proof of service of the same.

NEW SECTION. Sec. 16. No person shall be excused from attending and testifying or from producing records, correspondence, documents, or other evidence in obedience to the subpoena of the department, on the ground that the testimony or evidence required of the person may tend to incriminate or subject the person to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which the person is compelled, after having claimed the privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

NEW SECTION. Sec. 17. In case of contumacy or refusal to obey a subpoena issued to any person, the superior court of any county within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the department, shall have jurisdiction to issue to such person an order requiring such person to appear before the department, there to produce evidence, if so ordered, or there to give testimony touching the matter under investigation or in question. Any failure to obey such order of the court may be punished by the court as a contempt thereof.

NEW SECTION. Sec. 18. Witnesses before the department shall be paid the same fees and mileage that are paid witnesses in the courts of this state. Witnesses whose depositions are taken and the person taking the same shall be entitled to the same fees as are paid for like services in the courts of the state.

NEW SECTION. Sec. 19. Violation of sections 3 through 9 of this act is an unfair practice.

(1) Any person claiming to be aggrieved by an alleged unfair practice may, personally or by his or her attorney, make, sign, and file with the department a complaint in writing under oath. The complaint shall state the name and address of the person alleged to have committed the unfair practice and the particulars thereof, and contain such other information as may be required by the department.

(2) Whenever it has reason to believe that any person has been engaged or is engaging in an unfair practice, the department may issue a complaint.

(3) Any employer or principal whose employees, or agents, or any of them, refuse or threaten to refuse to comply with the provisions of this chapter may file with the department a written complaint under oath asking for assistance by conciliation or other remedial action.

Any complaint filed pursuant to this section must be so filed within six months after the alleged violation of this chapter.

NEW SECTION. Sec. 20. After the filing of any complaint, the department shall refer it to the appropriate staff of the department for investigation and ascertainment of the facts alleged in the complaint. The results of the investigation shall be reduced to written findings of fact, and a finding shall be made that there is or that there is not reasonable cause for believing that an unfair practice has been or is being committed. A copy of said findings shall be furnished to the complainant and to the person named in such complaint, hereinafter referred to as the respondent.

If the finding is made that there is reasonable cause for believing that an unfair practice has been or is being committed, the staff of the department shall endeavor to eliminate the unfair practice by conference, conciliation, and persuasion.

If an agreement is reached for the elimination of such unfair practice as a result of such conference, conciliation and persuasion, the agreement shall be reduced to writing and signed by the respondent, and an order shall be entered by the department setting forth the terms of said agreement. No order shall be entered by the department at this stage of the proceedings except upon such written agreement.

If no such agreement can be reached, a finding to that effect shall be made and reduced to writing, with a copy thereof furnished to the complainant and the respondent.

NEW SECTION. Sec. 21. (1) In case of failure to reach an agreement for the elimination of an unfair practice or upon violation of a final order issued under section 22(5) of this act, and upon the entry of findings to that effect, the department may issue a citation. The form of the citation shall be adopted by rule under chapter 34.05 RCW. The department may assess a civil penalty not to exceed one thousand dollars for each violation against a person issued a citation. Any person who receives a citation shall pay the amount noted on the citation within thirty days of receipt. Monetary penalties collected under this section shall be deposited into the general fund.

(2) Any person aggrieved by any action taken or decision made by the department under subsection (1) of this section may appeal the action or decision to the director by filing notice of the appeal with the director within thirty days of the department's action or decision. Upon receipt of an appeal, a hearing shall be held in accordance with chapter 34.05 RCW. The director shall issue all final orders after the hearing. The final orders are subject to appeal in accordance with chapter 34.05 RCW. Orders not appealed within the time period specified in chapter 34.05 RCW are final and binding.

NEW SECTION. Sec. 22. (1) Upon consideration of the circumstances of the respondent and the person aggrieved by an unfair practice, and after an evaluation of whether a remedy for

the person aggrieved or imposing a penalty under section 21 of this act will more effectively accomplish the purposes of this chapter, the department may, in lieu of imposing a civil penalty under section 21 of this act, seek a remedy for the person aggrieved under this section. The director shall thereupon request the appointment of an administrative law judge under Title 34 RCW to hear the complaint and shall cause to be issued and served in the name of the department a written notice, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of the complaint at a hearing before the administrative law judge, at a time and place to be specified in such notice.

(2) The place of any such hearing may be the office of the department or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the department: PROVIDED, That the complainant may retain independent counsel and submit testimony and be fully heard. No member or employee of the department who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall the member or employee participate in the deliberations of the administrative law judge in such case. Any endeavors or negotiations for conciliation shall not be received in evidence.

(3) The respondent shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine the complainant.

(4) The administrative law judge conducting any hearing may permit reasonable amendment to any complaint or answer. Testimony taken at the hearing shall be under oath and recorded.

(5) If, upon all the evidence, the administrative law judge finds that the respondent has engaged in any unfair practice, the administrative law judge shall state findings of fact and shall issue and file with the department and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair practice and to take such affirmative action, including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay, or to take such other action as, in the judgment of the administrative law judge, will effectuate the purposes of this chapter, including action that could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed one thousand dollars, and including a requirement for report of the matter on compliance.

(6) The final order of the administrative law judge shall include a notice to the parties of the right to obtain judicial review of the order by appeal in accordance with the provisions of RCW 34.05.518 or 34.05.570, and that such appeal must be served and filed within thirty days after the service of the order on the parties.

(7) If, upon all the evidence, the administrative law judge finds that the respondent has not engaged in any alleged unfair practice, the administrative law judge shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

(8) An order dismissing a complaint may include an award of reasonable attorneys' fees in favor of the respondent if the administrative law judge concludes that the complaint was frivolous or brought in bad faith.

(9) The department may impose a civil penalty under section 21(1) of this act upon any person who violates a final order. The respondent may seek review of the penalty under section 21(2) of this act or, if the respondent has sought judicial review of the underlying order, the respondent may seek review of the penalty as part of the review of the underlying order.

(10) The department shall establish rules of practice to govern, expedite and effectuate the foregoing procedure.

NEW SECTION. Sec. 23. (1) The department shall petition the court within the county wherein any unfair practice occurred or wherein any person charged with an unfair practice resides or transacts business for the enforcement of any final order which is not complied with and is issued by the department or an administrative law judge under the provisions of this chapter and for appropriate temporary relief or a restraining order, and shall certify and file in court the final order sought to be enforced. Within five days after filing such petition in court, the department shall cause a notice of the petition to be sent by registered mail to all parties or their representatives.

(2) From the time the petition is filed, the court shall have jurisdiction of the proceedings and of the questions determined thereon, and shall have the power to grant such temporary relief or restraining order as it deems just and suitable.

(3) If the petition shows that there is a final order issued by the department or administrative law judge under section 20, 21, or 22 of this act and that the order has not been complied with in whole or in part, the court shall issue an order directing the person who is alleged to have not complied with the administrative order to appear in court at a time designated in the order, not less than ten days from the date thereof, and show cause why the administrative order should not be enforced according to the terms. The department shall immediately serve the person with a copy of the court order and the petition.

(4) The administrative order shall be enforced by the court if the person does not appear, or if the person appears and the court finds that:

(a) The order is regular on its face;

(b) The order has not been complied with; and

(c) The person's answer discloses no valid reason why the order should not be enforced, or that the reason given in the person's answer could have been raised by review under RCW 34.05.570, and the person has given no valid excuse for failing to use that remedy.

(5) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to appellate review by the supreme court or the court of appeals, on appeal, by either party, irrespective of the nature of the decree or judgment. The review shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases.

NEW SECTION. Sec. 24. Any respondent or complainant, including the department, aggrieved by a final order of an administrative law judge may obtain judicial review of such order as provided under the administrative procedure act, chapter 34.05 RCW. From the time a petition for review is filed, the court has jurisdiction to grant to any party such temporary relief or restraining order as it deems just and suitable. If the court affirms the order, it shall enter a judgment and decree enforcing the order as affirmed.

NEW SECTION. Sec. 25. Petitions filed under sections 23 and 24 of this act shall be heard expeditiously and determined upon the transcript filed, without requirement of printing. Hearings in the court under this chapter shall take precedence over all other matters, except matters of the same character.

NEW SECTION. Sec. 26. In any case in which the department shall issue an order against any political or civil subdivision of the state, or any agency, or instrumentality of the state or of the foregoing, or any officer or employee thereof, the department shall transmit a copy of such order to the governor of the state. The governor shall take such action to secure compliance with such order as the governor deems necessary.

NEW SECTION. Sec. 27. It is an unfair practice for any employer, employment agency, labor union, or other person to discharge, expel, or otherwise discriminate against any person because he or she has opposed any practices forbidden by this chapter, or because he or she has filed a charge, testified, or assisted in any proceeding under this chapter.

NEW SECTION. Sec. 28. It is an unfair practice for any person to aid, abet, encourage, or incite the commission of any unfair practice, or to attempt to obstruct or prevent any other person from complying with the provisions of this chapter or any order issued thereunder, or to resist, prevent, impede, or interfere with the department or representatives in the performance of a duty under this chapter. Seeking review of an order shall not constitute an unfair practice.

NEW SECTION. Sec. 29. Any person deeming himself or herself damaged by an act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations or to recover the actual damages sustained by him or her, or both, together with the cost of suit including reasonable attorneys' fees, in addition to any other remedy authorized by this chapter.

NEW SECTION. Sec. 30. The sum of three hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of labor and industries for the purpose of this act.

NEW SECTION. Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 32. Sections 1 through 29 of this act shall constitute a new chapter in Title 49 RCW.

NEW SECTION. Sec. 33. This act shall take effect September 1, 1989."

On page 1, line 1 of the title, after "leave," strike the remainder of the title and insert "adding a new chapter to Title 49 RCW; prescribing penalties; making an appropriation; and providing an effective date."

Signed by Representatives Locke, Chair; H. Sommers, Vice Chair; Appelwick, Belcher, Brekke, Brough, Ebersole, Hine, Peery, Rust, Sayan, Spanel, Sprinkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Grant, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Bowman, Braddock, Bristow, Doty, Ferguson, May, McLean and Nealey.

Voting nay: Representatives Grant, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Bowman, Braddock, Bristow, Dorn, Doty, Ferguson, May, McLean and Nealey.

Absent: Representatives Holland and Padden.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1582 Prime Sponsor, Representative Cole: Establishing a before and after school child care pilot program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Belcher, Bowman, Braddock, Brekke, Bristow, Dorn, Hine, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Brough, Doty, Ferguson, Holland and Sprenkle.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1583 Prime Sponsor, Representative Bristow: Dealing with child care facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill do pass with the following amendments by Committee on Appropriations:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that:

- (1) A majority of women with preschool and school age children in Washington state are working outside the home and have a need for quality child care services for their children;
- (2) The supply of licensed child care facilities in Washington state is insufficient to meet the growing demand for child care services;
- (3) There is no mechanism to ensure the safety of children in, or evaluate the quality of, child care services provided by unlicensed child care facilities;
- (4) The availability of affordable child care services is essential to enable low-income families to enter and remain in the workforce.

NEW SECTION, Sec. 2. The purpose of this chapter is to:

- (1) Safeguard the well-being of children being cared for in child care facilities;
- (2) Encourage the establishment and maintenance of quality child care facilities that provide for the well-being and healthy development of children in their care; and
- (3) Establish standards for regulating and licensing child care facilities that provide for the well-being of the children receiving child care services, but are consistent with principles of child development and the abilities and resources of child care providers.

NEW SECTION, Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) 'Department' means the department of social and health services.
- (2) 'Child care facility' means any person that advertises, announces, maintains facilities for, or receives children for, control, care, or maintenance outside their homes on less than a twenty-four hour per day basis.
- (3) 'Provider' means any person who is licensed to operate, or has applied for a license to operate, a child care facility under this chapter.
- (4) 'Person' means any individual, partnership, corporation, or other form of business enterprise, including not-for-profit entities and associations.
- (5) 'Facility' means a child care facility.
- (6) 'Requirement' means any provision of this chapter and any rule adopted by the department under chapter 34.05 RCW.

NEW SECTION, Sec. 4. The following shall be exempt from operation of this chapter:

- (1) Agencies caring for children that are licensed pursuant to chapter 74.15 RCW;
- (2) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person does not engage in the activity on a regular basis, or where parents on a mutually cooperative basis exchange care of one another's children;
- (3) Persons related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, or first cousin;
- (4) Persons who are legal guardians of the child;
- (5) Nursery or preschool programs engaged primarily in educational work with preschool-aged children and in which no child is enrolled on a regular basis for more than four hours per day;
- (6) A child care facility operated by a unit of local, state, or federal government, or a child care facility located within the boundaries of a federally recognized Indian reservation, licensed by an Indian tribe;

(7) A child care facility located on a federal military reservation, except where the military authorities request that such child care facility be subject to the licensing requirements of this chapter;

(8) Kindergarten programs operated by public schools and the office of the superintendent of public instruction, certified private schools;

(9) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children, and do not accept custody of children;

(10) Seasonal camps of three months or less duration engaged primarily in recreational or educational activities;

(11) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW; and

(12) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment.

NEW SECTION, Sec. 5. Except where otherwise provided, chapter 34.05 RCW shall govern all rule-making and adjudicative activities under this chapter.

NEW SECTION, Sec. 6. (1) In consultation with the child care coordinating committee established pursuant to RCW 74.13.090 and representatives of child care facilities to be licensed under this chapter, the department shall adopt rules and standards with respect to all child care facilities and the operators thereof to be licensed under this chapter to carry out the purposes and requirements of this chapter. In developing rules, the department is authorized to designate categories of child care facilities for which separate or different requirements may be developed, as may be appropriate, whether because of the age of children served, the number of children served in the facility, the number of hours children are in care, or any other relevant factors.

(2) The rules and standards adopted shall include but not be limited to:

(a) The size and suitability of a facility and the plan of operation;

(b) The character, suitability, and competence of the provider and staff directly responsible for the care of children using the facility. In consultation with law enforcement personnel, the department shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of the provider and its staff. The department shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons who will care for children using the facility. Criminal justice agencies shall provide the department such information as they may have and that the department may require for such purpose upon request of the department;

(c) The ratio of staff to children necessary to render care to children using the facility;

(d) The safety, cleanliness, and general adequacy of the premises to provide to the comfort, care, and well-being of children. In consultation with the department of community development, through the director of fire protection, the department shall develop fire safety standards. In consultation with the department's division of health, the department shall develop health standards;

(e) The provision of necessary care, including food, supervision and discipline, physical, mental, and social well-being, and educational and recreational opportunities for the children using the facility;

(f) The financial ability of the provider to comply with this chapter and the rules adopted under this chapter; and

(g) The maintenance of records pertaining to the children using the facility.

NEW SECTION, Sec. 7. After July 1, 1990, no person shall operate or maintain a child care facility in this state without a license issued under this chapter.

NEW SECTION, Sec. 8. (1) An application for a license shall be made to the department upon forms provided by the department and shall contain such information as the department reasonably requires, which may include affirmative evidence of ability to comply with this chapter and the rules adopted under this chapter.

(2) The department shall issue a license to a child care facility if, after inspection and any discretionary investigation, the department finds that the provider and the facility are in compliance with this chapter and the rules adopted under this chapter; and that the provider has no prior violations of this chapter relating to the child care facility subject to the application or any other child care facility within the past five years that has resulted in revocation or nonrenewal of a license or certification.

(3) The department shall serve upon the provider by certified mail a copy of the decision granting or denying an application for a license. A provider shall have the right to contest denial of his or her application for a license as provided in chapter 34.05 RCW by requesting a hearing in writing within ten days after receipt of the notice of denial.

(4) The department shall reach a decision granting or denying an application for a license within sixty days of receiving the application.

(5) A child care facility shall conspicuously post its license issued pursuant to this chapter.

NEW SECTION. Sec. 9. (1) A license shall be valid for two years. No later than twelve months after issuance of the full license, the department shall conduct an inspection of the child care facility to monitor its continued compliance with the requirements of this chapter. The department also shall investigate any complaints it receives regarding child care facilities licensed pursuant to this chapter.

(2) At least ninety days prior to the expiration of the license, the department shall send a license renewal application to the provider. The provider shall complete and submit the application within sixty days of expiration of the license. The department shall have the authority to investigate any information included in the application for license renewal, and shall conduct an inspection of the applicant facility at least thirty days prior to expiration of the license.

(3) If the department finds that the facility is not in compliance with the requirements of this chapter, it shall require the facility to correct any violations as provided in section 10 of this act and may issue a provisional license as provided in section 14 of this act. If the department finds that the provider is in compliance with this chapter and the rules adopted under this chapter, the department shall renew the license of the facility.

NEW SECTION. Sec. 10. (1) Child care facilities shall accord the department, the department of health, if one is created, and the director of fire protection of the department of community development, or their designees access to the facility for purposes of inspection under this chapter. During inspections of a child care facility, the department, the department of health, if one is created, and the director of fire protection of the department of community development, or their designees, shall have full access and authority to examine, among other things, a child care facility's records and accounts, and physical premises, including the buildings, grounds, equipment, or any vehicles used to care for children using the facility. The department also shall have the authority to interview the provider, staff, and children in the care of the child care facility. Inspections may be conducted without advance notice during all hours of operation of the facility.

(2) Whenever an inspection is conducted and the department finds that a facility is in violation of this chapter or the rules adopted under this chapter, the department shall prepare a statement of deficiencies that contains the following information:

- (a) A description of each condition in the facility that constitutes a violation;
- (b) Each requirement alleged to have been violated;
- (c) A plan of correction that includes the date by which violations shall be corrected, but no later than ninety days after receipt of the notice;
- (d) Sanctions that may be imposed against the facility for failure to correct the violations by the date specified in the statement of deficiencies;
- (e) The right to contest violations if an administrative sanction is imposed; and
- (f) The right to apply for a variance, as provided in section 11 of this act.

The statement of deficiencies shall be served upon the provider personally or by certified mail within five working days of the inspection. All statements of deficiencies shall be made available to the public at the department during business hours.

(3) The department shall conduct an inspection of the facility within ninety days after the date by which violations shall be corrected as specified in the statement of deficiencies.

(4) The department may delegate all or part of its authority to inspect and monitor child care facilities to the department of community development, through the director of fire protection or to the department of health, if one is created. Following inspection, the director of fire protection or the department of health shall issue to licensed applicants who comply with the requirements of this chapter for which those agencies have been delegated authority, a certificate of compliance, a copy of which shall be presented to the department before a license is issued.

NEW SECTION. Sec. 11. (1) A child care facility provider may apply to the department for a variance from a requirement of this chapter. The application for a variance shall state:

- (a) The specific requirement from which the variance is sought;
- (b) A description of the way in which the facility is not in compliance with this chapter;
- (c) The reasons why strict compliance with the requirement would impose a substantial hardship on the provider;
 - (d) The alternative method the provider will use to meet the requirement, and the way in which the provider's alternative method:
 - (i) Meets the same goal as the specific requirement from which the variance is being sought is designed to meet; and
 - (ii) Protects the health and safety of the children using the facility as well as they would be protected if strict compliance with the requirement was required.

(2) The department shall grant a variance upon a determination that:

- (a) Strict compliance with the requirement would impose a substantial hardship on the provider;
- (b) The provider's alternative method of compliance will meet the same goal that the requirement from which the provider seeks the variance was designed to meet; and

(c) The provider's alternative method for compliance with this chapter protects the health, safety, and welfare of the children in care of the provider as well as they would be protected if strict compliance with this chapter were required.

(3) The decision to grant or deny a variance shall be in writing and shall state the finding upon which the decision was based. The department may impose conditions upon the variance it determines are necessary to meet the policies of this chapter, and may limit the duration of the variance. Any conditions imposed shall be stated in the decision granting the variance. The provider shall be served by certified mail with a copy of the decision, and with written notice of the provider's right to contest the decision as provided in chapter 34.05 RCW.

(4) A provider who fails to comply with a decision granting a variance shall be subject to the procedures and sanctions for failure to comply with this chapter.

NEW SECTION. Sec. 12. No public or private agency contractor or employee shall recommend placement of a child into a child care facility that is operating without a license. Any public or private agency contractor or employee who knows or should know that a child care facility is operating without a license shall report the name and address of the facility to the department. The department shall investigate any report filed under this section.

NEW SECTION. Sec. 13. The department shall consult with child care facility licensees and applicants in order to help them comply with this chapter and the rules adopted under this chapter and improve their methods and facilities for the care of children.

NEW SECTION. Sec. 14. The department is authorized to issue a provisional license to any facility for a period not to exceed six months, renewable for a period not to exceed six months, to allow such facility reasonable time to become eligible for a license. A provisional license may be issued following a provider's application for a license when a determination has been made that the provider does not meet all of the requirements of this chapter, or following suspension of a license as provided in section 15 of this act.

NEW SECTION. Sec. 15. The department is authorized to deny, refuse to renew, revoke, or suspend a license or to assess civil monetary penalties, as provided in section 16 of this act, in any case in which the department finds that a child care provider has:

(1) After following the procedures in section 10 of this act, failed or refused to comply with the requirements of this chapter;

(2) Operated a child care facility without a license or under a revoked license;

(3) Knowingly or with reason to know made a false statement of material fact on his or her application for a license or any data attached thereto, or in any matter under investigation by the department; or

(4) Willfully prevented or interfered with any inspection or investigation by the department, the director of fire protection, of the department of community development, or their designee.

NEW SECTION. Sec. 16. (1) The department may assess civil monetary penalties not to exceed five hundred dollars per violation for violations of the requirements of this chapter. Each day upon which the same or a substantially similar violation occurs is a separate violation subject to the assessment of a separate penalty.

(2) Any civil penalty assessed under this section shall bear a reasonable rate of interest from the date of notification of the violation. The department may administer civil monetary penalties under this section by:

(a) Requiring payment in full;

(b) Permitting installment payments;

(c) Requiring that the full amount or a portion of the assessed civil penalty be expended to ameliorate the violation or to improve the nonadministrative services within the facility; or

(d) Deferring the penalty or a portion thereof until one year after corrective action has been completed to assure maintenance of such action. At the end of such year, the penalty may be reduced, all or in part, if the corrective action has been maintained. The penalty may be trebled if such corrective action is not maintained for one year.

(3) All civil monetary penalties collected by the department pursuant to this section shall be deposited in the child care expansion grant fund established under RCW 74.13.095.

NEW SECTION. Sec. 17. (1) Except as provided in subsection (2) of this section, all orders of the department issued under the authority of section 15 of this act shall become final twenty days after the same has been served personally or by certified mail upon the child care provider, unless a hearing is requested.

(2) Orders of the department imposing suspension of a provider's license shall be effective immediately upon notice, pending any hearing, if the basis for the summary suspension is the existence of conditions presenting an immediate threat of harm to children using the facility.

(3) All hearings under this chapter and judicial review of such determinations shall be in accordance with chapter 34.05 RCW.

NEW SECTION. Sec. 18. In addition to other remedies provided by law, the department may seek enforcement of its final orders by filing an action for civil enforcement in a court of competent jurisdiction.

NEW SECTION. Sec. 19. In addition to other remedies provided by law, the department may, in the manner provided by law, upon the advice of the attorney general, who shall represent the department in the proceeding, maintain an action in the name of the state for injunction or such other relief as the department may deem advisable against any child care facility subject to licensing under this chapter or against any such facility not having a license as provided in this chapter.

NEW SECTION. Sec. 20. The enactment of this chapter does not have the effect of terminating, or in any way modifying, a license issued to a child care provider under chapter 74.15 RCW which is already in existence on the effective date of this act.

NEW SECTION. Sec. 21. The operator of any child care facility which operates without a license is guilty of a misdemeanor.

Sec. 22. Section 2, chapter 172, Laws of 1967 as last amended by section 912, chapter 176, Laws of 1988 and RCW 74.15.020 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) 'Department' means the state department of social and health services;
 (2) 'Secretary' means the secretary of social and health services;
 (3) 'Agency' means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) 'Group-care facility' means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(b) 'Child-placing agency' means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) 'Maternity service' means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

~~(d) ('Day-care center' means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;~~

~~(e))~~ 'Foster-family home' means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

~~((ff))~~ (e) 'Crisis residential center' means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036.

(4) 'Agency' shall not include the following:

(a) Persons related by blood or marriage to the child, expectant mother, or persons with developmental disabilities in the following degrees: Parent, grandparent, brother, sister, step-parent, stepbrother, stepsister, uncle, aunt, and/or first cousin;

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

~~(c) ((Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person does not engage in such activity on a regular basis, or where parents on a mutually cooperative basis exchange care of one another's children, or persons who have the care of an exchange student in their own home))~~ Child care facilities licensed pursuant to chapter 74.— RCW (sections 1 through 21 of this act);

~~(d) ((Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;~~

~~(e))~~ Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

~~((ff))~~ (e) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

~~((gg))~~ (f) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

~~((hh))~~ (g) Licensed physicians or lawyers;

~~((ii))~~ (h) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

~~((ff))~~ (i) Facilities approved and certified under chapter 71A.22 RCW;

~~((f))~~ (j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

~~((f))~~ (k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a preplacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

~~((m))~~ (l) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

~~((m))~~ (m) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(5) 'Requirement' means any rule, regulation or standard of care to be maintained by an agency.

Sec. 23. Section 3, chapter 189, Laws of 1988 and RCW 74.15.030 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.060 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, ~~((including day care centers and family day care homes;))~~ to determine whether the abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the children's services advisory committee; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

NEW SECTION. Sec. 24. The sum of dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of social and health services for the purposes of sections 1 through 21 of this act.

NEW SECTION. Sec. 25. Sections 1 through 21 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 74.15.020 and 74.15.030; adding a new chapter to Title 74 RCW; prescribing penalties; and making an appropriation."

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Appelwick, Belcher, Braddock, Brekke, Bristow, Dorn, Ebersole, Hine, Peery, Rust, Spanel, Sprengle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Bowman, McLean, Nealey and Padden.

Voting nay: Representatives Silver, Ranking Republican Member; Bowman, May, McLean, Nealey and Padden.

Absent: Representatives Grant, Vice Chair; Youngsman, Assistant Ranking Republican Member; Brough, Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1584 Prime Sponsor, Representative Bristow: Dealing with child care facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill do pass with the following amendments by Committee on Appropriations:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The purpose of this act is to:

(1) Increase the availability of child care services in Washington state through the provision of start-up and expansion grant funds to persons and organizations providing child care services;

(2) Make affordable child care services available to low-income families in Washington state; and

(3) Improve the quality of child care services in Washington state through the provision of training and support services to child care providers.

Sec. 2. Section 30, chapter 228, Laws of 1963 as amended by section 111, chapter 154, Laws of 1973 1st ex. sess. and RCW 74.12.340 are each amended to read as follows:

The department is authorized to promulgate rules and regulations governing the provision of ~~((day)) child care ((as a part of child welfare services))~~ when the secretary determines that a need exists for such ~~((day))~~ child care and that it is in the best interests of the child, the parents, or the custodial parent and in determining the need for such ~~((day))~~ child care priority shall be given to geographical areas having the greatest need for such care and to members of low income groups in the population: PROVIDED, That where the family is financially able to pay part or all of the costs of such care, fees shall be imposed and paid according to the financial ability of the family.

Sec. 3. Section 1, chapter 213, Laws of 1988 and RCW 74.13.085 are each amended to read as follows:

It shall be the policy of the state of Washington to:

(1) Recognize the family as the most important social and economic unit of society and support the central role parents play in child rearing. All parents are encouraged to care for and nurture their children through the traditional methods of parental care at home. However,

~~((to the extent child care services are used;))~~ there has been a dramatic increase in participation of women in the workforce which has made the availability of quality, affordable child care a critical concern for the state and its citizens. There are not enough child care services and facilities to meet the needs of working parents, the costs of care are often beyond the resources of working parents, and child care facilities are not located conveniently to work places and neighborhoods. Parents are encouraged to participate fully in the effort to improve the quality of child care services.

(2) Promote a variety of culturally and developmentally appropriate child care settings and services of the highest possible quality in accordance with the basic principle of continuity of care. These settings shall include, but not be limited to, family day care homes, mini-centers, centers and schools.

(3) Promote the growth, development and safety of children by working with community groups including providers and parents to establish standards for quality service, training of child care providers, fair and equitable monitoring, and salary levels commensurate with provider responsibilities and support services.

(4) Promote equal access to quality, affordable, socio-economically integrated child care for all children and families.

(5) Facilitate broad community and private sector involvement in the provision of quality child care services to foster economic development and assist industry.

Sec. 4. Section 3, chapter 213, Laws of 1988 and RCW 74.13.095 are each amended to read as follows:

(1) The legislature ~~((recognizes))~~ finds that a severe shortage of affordable, quality child care services exists to the detriment of all families and employers throughout the state. Many workers are unable to enter or remain in the work force due to a shortage of child care ~~((resources))~~ services. The high costs of starting ~~((a child care business))~~ or expanding a child care facility create a barrier to the creation of new slots, especially for children with special needs. The legislature further finds that increasing the availability of affordable, quality child care services for the state's working parents, especially those who are low income or have handicapped children, is a recognized governmental function. The provision of grants to child care providers who, in consideration for receiving such grant, agree to serve special needs or low-income children for a fixed period of years, is a means of increasing the availability of child care services in this state.

(2) A child care expansion grant fund is created in the custody of the secretary of the department of social and health services. Grants shall be awarded on a one-time only basis to persons, organizations, or schools needing assistance to start a child care ~~((center or mini-center))~~ facility, including a family day care home, as defined by the department by rule, or to make capital improvements in existing licensed child care ~~((providers))~~ facilities, including family day care homes ~~((providers, for the purpose of making capital improvements in order to accommodate handicapped children as defined under chapter 72.40 RCW, sick children, or infant care, or children needing night time care))~~. As a condition of receiving a grant under this section, a person, organization, or school requesting a grant, shall make a commitment to serve a reasonable number of the following children:

(a) Handicapped children as defined under chapter 72.40 RCW;

(b) Sick children;

(c) Infants;

(d) Children requiring night time or weekend care;

(e) Children whose costs of care are subsidized by the department of social and health services; or

(f) Children of parents whose household income is at or below two hundred percent of the federal poverty level, adjusted for family size, as determined annually by the federal department of health and human services.

For each grant awarded under this section, the department shall designate the specific number or percentage of children under (a) through (f) of this subsection that the child care provider must be willing to accept in its program.

No grant may exceed ~~((ten))~~ twenty-five thousand dollars. Start-up costs shall not include operational costs after the first three months of business.

(3) Child care expansion grants shall be awarded on the basis of need for the proposed services in the community, within appropriated funds. Every effort shall be made to ensure that the distribution of grants is balanced geographically throughout the state.

(4) Where the grant is made to a private person or organization, the grant shall be repaid to the fund if the child care facility using the grant to start up or expand ceases to provide child care earlier than the following time periods from when the grant is made: (a) Twelve months for a grant up to five thousand dollars; (b) twenty-four months for a grant over five thousand dollars up to ten thousand dollars; (c) thirty-six months for a grant over ten thousand dollars up to fifteen thousand dollars; (d) forty-eight months for a grant over fifteen thousand dollars up to twenty thousand dollars; and (e) sixty months for a grant over twenty thousand dollars up to twenty-five thousand dollars.

(5) The department shall adopt rules under chapter ~~((3404))~~ 34.05 RCW setting forth criteria, application procedures, and methods to assure compliance with the purposes described in this section.

NEW SECTION. Sec. 5. RCW 74.12.340, 74.13.085, 74.13.090, 74.13.095, and 74.15.200 are recodified into a new chapter in Title 74 RCW relating to child care.

NEW SECTION. Sec. 6. The sum of eighteen million six hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of social and health services for the purposes of section 2 of this act as follows:

(1) Eight million three hundred thousand dollars is provided solely for child care provider payments. The department shall utilize the child care payment structure established under the family independence program.

(2) Three million seven hundred thirty thousand dollars is provided solely to expand child care services for children being served in the department's child protective services and child welfare services programs.

(3) Six million six hundred twenty thousand dollars is provided solely to expand child care services to children of low-income employed parents.

NEW SECTION. Sec. 7. The sum of four hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of social and health services for the purposes of section 4 of this act.

NEW SECTION. Sec. 8. The sum of one million five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of social and health services as follows:

(1) One million dollars is provided solely for the purpose of providing start-up and operating funds to ten local child care resource and referral agencies. Grants under this subsection shall be limited to fifty thousand dollars per year.

(2) Five hundred thousand dollars is provided solely for the purpose of providing support and training programs to assist licensed providers or license applicants in obtaining child care provider certification or for grants to local child care resource and referral agencies.

NEW SECTION. Sec. 9. The sum of seventy thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of social and health services solely to support the child care coordinating committee established in RCW 74.13.090."

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 74.12.340, 74.13.085, and 74.13.095; recodifying RCW 74.12.340, 74.13.085, 74.13.090, 74.13.095, and 74.15.200; creating a new section; and making appropriations."

Signed by Representatives Locke, Chair; Grant, Vice Chair; Appelwick, Braddock, Brekke, Bristow, Dorn, Ebersole, Hine, Peery, Rust, Spanel, Sprengle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Bowman, McLean and Padden.

Voting nay: Representatives Silver, Ranking Republican Member; Bowman, May, McLean, Nealey and Padden.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Brough, Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 2, 1989

HB 1601 Prime Sponsor, Representative Peery: Establishing a school breakfast program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Appelwick, Belcher, Bowman, Braddock, Brekke, Dorn, Ebersole, Hine, Holland, McLean, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Ferguson, Nealey and Padden.

Voting nay: Representatives Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Doty, Ferguson, Nealey and Padden.

Absent: Representatives Bristow and Brough.

Passed to Committee on Rules for second reading.

March 3, 1989

HB 1620 Prime Sponsor, Representative Raiter: Providing for mediation of natural resource disputes. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Brekke, Brough, Dorn, Doty, Ebersole, Ferguson, Hine, May, McLean, Nealey, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

Voting nay: Representative Braddock.

Absent: Representatives Holland and Padden.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1648 Prime Sponsor, Representative R. King: Regulating commercial crab fishing in coastal waters. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Fisheries & Wildlife. (For committee amendment, see Journal, 47th Day, February 24, 1989.) Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Appelwick, Belcher, Bowman, Brekke, Dorn, Ebersole, Ferguson, Hine, Holland, May, Nealey, Padden, Peery, Rust, Sayan, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Braddock, Bristow, Brough and Spanel.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; and Doty.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1657 Prime Sponsor, Representative R. Fisher: Creating a risk management program and agency accountability. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Doty, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

Absent: Representatives Grant, Vice Chair; Youngsman, Assistant Ranking Republican Member; Holland and May.

Passed to Committee on Rules for second reading.

March 2, 1989

HB 1664 Prime Sponsor, Representative Betzoff: Restricting the use of tinted glass on motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 24, after "(a)" strike everything through "(c)" on line 34 and insert the following:

"The maximum level of film suncreening material to be applied to windshields and any windows shall have a total reflectance of thirty-five percent or less, plus or minus three percent, and a light transmission of thirty-five percent or more, plus or minus three percent, when measured in conjunction with the safety glazing material.

(b)"

Redesignate the lettered subsections following consecutively.

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Heavey,

Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1666 Prime Sponsor, Representative Anderson: Establishing voter registration along with driver licensing. Reported by Committee on Appropriations

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

On page 7, line 8, after "hundred" strike "sixty-five" and insert "twenty-three"

Signed by Representatives Locke, Chair; H. Sommers, Vice Chair; Appelwick, Belcher, Bowman, Braddock, Brekke, Dorn, Ebersole, Hine, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Brough, Doty, Holland, May, McLean and Nealey.

Voting nay: Representatives Silver, Ranking Republican Member; Brough, Ferguson, Holland, May, McLean, Nealey and Padden.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; and Doty.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 1676 Prime Sponsor, Representative H. Sommers: Altering the sales tax exemption for nonresidents to apply only to border counties. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Appelwick, Basich, Fraser, Grant, Haugen, Morris, Phillips, Rust and H. Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Brumsickle, Fuhrman, Silver and Van Luven.

Passed to Committee on Rules for second reading.

March 2, 1989

HB 1684 Prime Sponsor, Representative Nelson: Authorizing running lights on motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 7, after "two" strike "clear or"

On page 1, beginning on line 11, strike "other lights" and insert "head lamps"

On page 1, line 26, after "than" insert "amber"

On page 2, line 26, after "lights" strike all material down to and including "conditions" on line 28 and insert "that meet the equipment standards of 46.47.320 RCW"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betrozoff, Cantwell, Cooper, Day, G. Fisher, Gallagher, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives R. Fisher and Hankins.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1703 Prime Sponsor, Representative R. Fisher: Revising computation of subsistence and travel expenses. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on State Government. (For committee amendments, see Journal, 52nd Day, March 1, 1989.) Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Doty, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Holland and May.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1709 Prime Sponsor, Representative O'Brien: Revising provisions for medical aid purchase of health care goods and services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 18, after "department" strike all material through "42.17.260" on line 22, and insert ", upon request of a contractor, shall keep confidential financial and valuable trade information, which shall be exempt from public inspection and copying under chapter 42.17 RCW"

On page 2, after line 22, insert the following:

"Sec. 3 Section 2, chapter 107, Laws of 1987, section 1, chapter 337, Laws of 1987, section 16, chapter 370, Laws of 1987, section 1, chapter 404, Laws of 1987, and section 10, chapter 411, Laws of 1987 and RCW 42.17.310 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) ~~(Except as provided under section 2 of this 1987 act (1987 c 404 § 2).)~~ All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

~~(x) Financial and valuable trade information under section 2 of this act.~~

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld."

Renumber the remaining section.

On page 1, line 2 of the title, after "51.04.030;" insert "reenacting and amending RCW 42.17.310;"

Signed by Representatives Locke, Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Brough, Dorn, Ebersole, Hine, Holland, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; and Doty.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1711 Prime Sponsor, Representative Cole: Creating a crime prevention employee training program for businesses during late night hours. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Ebersole, Hine, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1735 Prime Sponsor, Representative Applewick: Creating superior court judge positions in King county. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Dorn, Hine, May, McLean, Nealey, Padden, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Brough, Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1741 Prime Sponsor, Representative Betzoff: Revising the eleventh grade assessment. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Brough, Dorn, Ebersole, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 2, 1989

HB 1759 Prime Sponsor, Representative Peery: Creating the educational staff diversification act. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Youngsman, Assistant Ranking Republican Member; Appelwick, Bowman, Dorn, Ebersole, Hine, Holland, May, McLean, Nealey, Padden, Rust, Sprenkle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Silver, Ranking Republican Member.

Absent: Representatives Bristow and Brough.

Passed to Committee on Rules for second reading.

March 3, 1989

HB 1802 Prime Sponsor, Representative P. King: Creating a new court of appeals position for Snohomish county. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Doty, Ebersole, Ferguson, Hine, McLean, Nealey, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

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

Absent: Representatives Holland and Padden.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1853 Prime Sponsor, Representative Jones: Providing for oil spill damage assessments. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environmental Affairs be substituted therefor and the substitute bill do pass with the following amendments by Committee on Appropriations:

On page 3, after line 17, insert the following:

"(4) Compensation assessed under this section for a particular oil spill shall preclude claims under this chapter by local governments for compensation for damages to publicly owned resources resulting from the same spill."

On page 9, after line 1, insert the following:

"NEW SECTION. Sec. 10. The sum of seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated from the state toxics control account to the department of ecology for the biennium ending June 30, 1991, for the purpose of preparing the compensation schedule required under section 2 of this act."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 1, line 4 of the title, after "penalties," insert "making an appropriation;"

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Dorn, Ebersole, Hine, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Brough, Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 3, 1989

HB 1858 Prime Sponsor, Representative Kremen: Authorizing the supervisor of banking to regulate the small business association 7(a) loan guaranty program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Trade & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Doty, Ebersole, Ferguson, Hine, May, McLean, Nealey, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Holland and Padden.

Passed to Committee on Rules for second reading.

March 3, 1989

HB 1862 Prime Sponsor, Representative McLean: Providing twelve-months' service credit to public employees' retirement system members who are employed on a continuous nine-month basis at designated schools. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendments:

On page 10, following line 20, insert:

"NEW SECTION. Sec. 3. For the 1988-89 school year only, the term 'vacation period' as used in RCW 41.40.010(9), shall include any period of time a school district determines an employee could not perform his or her regular job due to the effects of inclement weather."

On page 1, line 3 of the title, after "schools," strike the remainder of the title and insert "amending RCW 41.40.010 and 41.40.450; and adding a new section."

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Doty, Ebersole, Ferguson, Hine, May, McLean, Nealey, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Holland and Padden.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1864 Prime Sponsor, Representative Day: Concerning quality of care in nursing homes. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care be substituted therefor and the substitute bill do pass with the following amendments by Committee on Appropriations:

On page 22, after line 5, insert the following:

*Sec. 17, Section 36, chapter 177, Laws of 1980 as last amended by section 1, chapter 208, Laws of 1988 and by section 1, chapter 221, Laws of 1988 and RCW 74.46.360 are each reenacted and amended to read as follows:

(1) The depreciation base shall be the historical cost of the contractor or lessor, when the assets are leased by the contractor, in acquiring the asset in an arm's-length transaction and preparing it for use, less goodwill, and less accumulated depreciation which has been incurred during periods that the assets have been used in or as a facility by any contractor, such accumulated depreciation to be measured in accordance with subsections (2), (3), and (4) of this section and RCW 74.46.350 and 74.46.370. If the department challenges the historical cost of an asset, or if the contractor cannot or will not provide the historical costs, the department will have the department of general administration, through an appraisal procedure, determine the fair market value of the assets at the time of purchase. The depreciation base of the assets will not exceed such fair market value.

(2) The historical cost of donated assets, or of assets received through testate or intestate distribution, shall be the lesser of:

(a) Fair market value at the date of donation or death; or

(b) The historical cost base of the owner last contracting with the department, if any.

(3) Estimated salvage value of acquired, donated, or inherited assets shall be deducted from historical cost where the straight-line or sum-of-the-years' digits method of depreciation is used.

(4) (a) Where depreciable assets are acquired that were used in the medical care program subsequent to January 1, 1980, the depreciation base of the assets will not exceed the net book value which did exist or would have existed had the assets continued in use under the previous contract with the department; except that depreciation shall not be assumed to accumulate during periods when the assets were not in use in or as a facility.

(b) The provisions of (a) of this subsection shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the ownership of the assets has been previously transferred in an arm's-length transaction nor to the first arm's-length acquisition that occurs after January 1, 1980, for facilities participating in the medical care program prior to January 1, 1980. The new depreciation base for such acquisitions shall not exceed the fair market value of the assets as determined by the department of general administration through an appraisal procedure. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious. This subsection is inoperative for any transfer of ownership of any asset occurring on or after July 18, 1984, leaving (a) of this subsection to apply alone to such transfers: PROVIDED, HOWEVER, That this subsection shall apply to transfers of ownership of assets occurring prior to January 1, 1985, if the costs of such assets have never been reimbursed under medicaid cost reimbursement on an owner-operated basis or as a related-party lease: PROVIDED FURTHER, That for any contractor that can document in writing an enforceable agreement for the purchase of a nursing home dated prior to ~~((August 1))~~ July 18, 1984, and submitted to the department prior to January 1, 1988, the depreciation base of the nursing home, for rates established subsequent to July 18, 1984, shall not exceed the fair market value of the assets at the date of purchase as determined by the department of general administration through an appraisal procedure. For medicaid cost reimbursement purposes, an agreement to purchase a nursing home prior to July 18, 1984, is enforceable, even though such agreement contains no legal description of the real property involved, notwithstanding the statute of frauds or any other provision of law.

(c) In the case of assets leased by the same contractor since January 1, 1980, in an arm's-length lease, and purchased by the lessee/contractor, the lessee/contractor shall have the option:

(i) To have the provisions of subsection (b) of this section apply to the purchase; or

(ii) To have the reimbursement for property and return on investment continue to be calculated pursuant to the provisions contained in RCW 74.46.530(1)(e) and (f) based upon the provisions of the lease in existence on the date of the purchase, but only if the purchase date meets one of the following criteria:

(A) The purchase date is after the lessor has declared bankruptcy or has defaulted in any loan or mortgage held against the leased property;

(B) The purchase date is within one year of the lease expiration or renewal date contained in the lease;

(C) The purchase date is after a rate setting for the facility in which the reimbursement rate set pursuant to this chapter no longer is equal to or greater than the actual cost of the lease; or

(D) The purchase date is within one year of any purchase option in existence on January 1, 1988.

(d) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(e) Where the depreciable asset is a donation or distribution between related organizations, the base shall be the lesser of (i) fair market value, less salvage value, or (ii) the depreciation base the related organization had or would have had for the asset under a contract with the department."

On page 1, line 4 of the title, after "74.46.481;" insert "reenacting and amending RCW 74.46.360;"

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Dorn, Ebersole, Hine, May, McLean, Nealey, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

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

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Brough, Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1883 Prime Sponsor, Representative Spanel: Requiring the department of ecology to adopt guidelines to be used by local governments in the regulation of aquaculture. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by the Committee on Fisheries and Wildlife be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Belcher, Braddock, Brekke, Bristow, Dorn, Ebersole, Hine, May, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Bowman, McLean, Nealey and Padden.

Voting nay: Representatives Silver, Ranking Republican Member; Bowman, Bristow, McLean, Nealey and Padden.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Brough, Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 3, 1989

HB 1885 Prime Sponsor, Representative Hine: Making adjustments to the judicial retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Doty, Ebersole, Ferguson, Hine, May, McLean, Nealey, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

Absent: Representatives Holland and Padden.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1910 Prime Sponsor, Representative R. Fisher: Providing limitations on campaign contributions, voluntary limitations on campaign spending and partial public financing of campaigns. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on State Government be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Appelwick, Basich, Fraser, Grant, Morris, Rust, H. Sommers and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Holland, Ranking Republican Member; Brumsickle, Haugen and Phillips.

Absent: Representatives Horn, Assistant Ranking Republican Member; Fuhrman and Silver.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1917 Prime Sponsor, Representative O'Brien: Establishing a certified real estate appraiser law. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor. (For committee amendments, see Journal, 52nd Day, March 1, 1989.) Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Brough, Dorn, Ebersole, Hine, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1944 Prime Sponsor, Representative Sprengle: Prohibiting tobacco sales to minors. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Health Care be substituted therefor and the substitute bill do pass with the following amendments by Committee on Revenue:

On page 1, line 24, after "Sec. 2." strike everything through "chapter" on page 2, line 2, and insert "Each city, town, or county may develop and implement regulations that are consistent with this chapter or are more stringent than this chapter. A city, town, or county may not adopt any new regulation or procedure that is less restrictive than the corresponding provision of this chapter."

On page 2, line 29, strike "On July, 1989," and insert "Regulations adopted under this chapter shall provide that"

On page 3, line 23, strike "After July 1, 1989," and insert "Regulations adopted under this chapter shall provide that"

Signed by Representatives Pruitt, Vice Chair; Appelwick, Basich, Brumsickle, Fraser, Morris, Phillips, Rust, H. Sommers and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Wang, Chair; Holland, Ranking Republican Member; and Haugen.

Voting nay: Representatives Wang, Chair; Holland, Ranking Republican Member; Grant and Haugen.

Absent: Representatives Horn, Assistant Ranking Republican Member; Fuhrman and Silver.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 1963 Prime Sponsor, Representative Vekich: Establishing the maternity care access act. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Ebersole, Hine, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1968 Prime Sponsor, Representative Braddock: Establishing a plan for long-term care services. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Dorn, Ebersole, Hine, May, McLean, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; and Nealey.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Brough, Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1984 Prime Sponsor, Representative Hargrove: Requiring the department of natural resources to prepare a timber supply report. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 5, strike all material through "act." on line 10

On page 1, line 1 of the title, after "assessment;" insert "and"

On page 1, line 2 of the title, after "sections" strike "; and making an appropriation"

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Belcher, Bowman, Brekke, Brough, Dorn, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick and Doty.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 2011 Prime Sponsor, Representative R. King: Changing provisions regulating commercial fishing licenses. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Fisheries & Wildlife be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Appelwick, Basich, Brumsickle, Fraser, Grant, Haugen, Morris, Phillips, Rust, Silver and H. Sommers.

MINORITY recommendation: Do not pass. Signed by Representative Van Luven.

Absent: Representatives Horn, Assistant Ranking Republican Member; and Fuhrman.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 2020 Prime Sponsor, Representative Jacobsen: Providing tuition and fee waivers for intercollegiate athletes to achieve gender equity. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Higher Education be substituted therefor and the substitute bill do pass with the following amendments by Committee on Appropriations:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that women are underrepresented in intercollegiate athletics in Washington's higher education system. It is the intent of the legislature, through additional tuition and fee waivers, to achieve greater gender equity in intercollegiate athletics.

Sec. 2. Section 1, chapter 262, Laws of 1979 ex. sess. as last amended by section 3, chapter 232, Laws of 1986 and RCW 28B.15.740 are each amended to read as follows:

(1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education, may waive, in whole or in part, tuition and services and activities fees subject to the limitations set forth in subsection (2).

(2) The total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed ~~((four))~~ five percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at the community colleges at least three-fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015: PROVIDED FURTHER, That at any state university, regional university, or state college, at least three-fifths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015, and at least one-fifth of the dollars waived shall be for the purpose of achieving gender equity in intercollegiate athletic programs: PROVIDED FURTHER, That the remainder of the dollars waived ~~((not to exceed one-fourth of the total))~~ may be applied to other students at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs: PROVIDED FURTHER, That the waivers for undergraduate and graduate students of foreign nations under RCW 28B.15.556 are not subject to the limitation under this section.

NEW SECTION. Sec. 3. Institutions of higher education shall strive to accomplish the following goals:

(1) Provide the following benefits and services equitably to male and female athletes participating in intercollegiate athletic programs: Equipment and supplies; medical services; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; scholarships and other forms of financial aid; conditioning programs; laundry services; assignment of game officials; opportunities for competition, publicity, and awards; and scheduling of games and practice times, including use of courts, gyms, and pools. Each institution which provides showers, toilets, lockers, or training room facilities for athletic purposes shall provide access to comparable facilities for both males and females.

(2) Provide equitable intercollegiate athletic opportunities for male and female students including opportunities to participate and to receive the benefits of the services listed in subsection (1) of this section.

(3) Provide participants with female coaches and administrators to act as role models.

NEW SECTION. Sec. 4. (1) An institution of higher education may grant waivers for the purpose of achieving gender equity in intercollegiate athletic programs as authorized in section 2 of this act, for the 1989-90 academic year only if the institution's governing board has adopted a plan for complying with the provisions of section 3 of this act and submitted the plan to the higher education coordinating board.

(2) Beginning in the 1990-91 academic year, an institution of higher education shall not grant any waiver for the purpose of achieving gender equity in intercollegiate athletic programs as authorized in section 2 of this act unless the institution's plan has been approved by the higher education coordinating board.

(3) The plan shall include, but not be limited to:

(a) Provisions that ensure that by July 1, 1994, the institution shall provide athletic opportunities for women at a rate that meets or exceeds the rate at which girls participate in high school interscholastic athletics in Washington state;

(b) Activities to be undertaken by the institution to increase participation rates of females in interscholastic and intercollegiate athletics. These activities may include, but are not limited to: Sponsoring equity conferences, coaches clinics and sports clinics; and taking a leadership role in working with athletic conferences to reduce barriers to women's participation in interscholastic and intercollegiate athletics;

(c) An identification of barriers to achieving equitable intercollegiate athletic opportunities for women; and

(d) Measures to achieve institutional compliance with the provisions of section 3 of this act.

NEW SECTION. Sec. 5. (1) The higher education coordinating board shall report biennially, beginning December 1990, to the governor and the house of representatives and senate committees on higher education, on institutional efforts to comply with the requirements of sections

2 through 4 of this act. Each report shall include recommendations on measures to assist institutions with compliance. The first report shall also include a recommendation on whether to grant this waiver authority to community college governing boards.

(2) Before the board makes its report in December 1994, the board shall assess the extent of institutional compliance with the requirements of sections 2 through 4 of this act. The 1994 report shall include a recommendation on whether to continue this waiver authority.

NEW SECTION, Sec. 6. Sections 1 and 3 through 5 of this act are each added to chapter 28B.15 RCW."

On page 1, line 2 of the title, after "equity;" strike the remainder of the title and insert "amending RCW 28B.15.740; and adding new sections to chapter 28B.15 RCW."

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Belcher, Bowman, Brække, Bristow, Dorn, Ebersole, Hine, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

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

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Brough, Doty, Ferguson, Holland and Peery.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 2053 Prime Sponsor, Representative Silver: Providing a seven-year limitation for regular property tax levies involving redemption payments on bonds. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Appelwick, Basich, Brumsickle, Fraser, Grant, Haugen, Morris, Phillips, Rust, Silver, H. Sommers and Van Luven.

Absent: Representatives Horn, Assistant Ranking Republican Member; Silver and Van Luven.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 2059 Prime Sponsor, Representative Sayan: Creating the Washington hardwoods commission. Reported by Committee on Revenue

MAJORITY recommendation: Do pass with amendments by Committee on Trade & Economic Development (For committee amendments, see Journal, 52nd Day, March 1, 1898.) and with the following amendment by Committee on Revenue:

On page 1, line 26, after "comprised of" strike everything through "nonlegislative" on page 2, line 2, and insert "seven members, five members of the hardwoods industry and two members of the public at-large. All"

Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Appelwick, Basich, Brumsickle, Fraser, Grant, Haugen, Morris, Phillips, Rust, Silver, H. Sommers and Van Luven.

Absent: Representatives Horn, Assistant Ranking Republican Member; and Fuhrman.

Passed to Committee on Rules for second reading.

March 2, 1989

HB 2074 Prime Sponsor, Representative Wang: Clarifying that superior court judges are not considered county employees for purposes of entitlement to employee benefits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brække, Brough, Doty, Ebersole, Ferguson, Hine, Holland, May,

McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Bristow, Dorn, Doty, Ferguson and Holland.

Passed to Committee on Rules for second reading.

March 2, 1989

HB 2075 Prime Sponsor, Representative Cantwell: Permitting local governments to have a twenty-four hour headlight policy. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 13, after "jurisdiction" strike "implementing" and insert "requesting"

On page 1, line 14, after "regarding" strike "accident statistics on the designated highway" and insert "their educational efforts"

On page 1, line 19, after "highway," insert "Participating jurisdictions shall share in the cost of signing in an amount as determined by the department."

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, Nelson, Prentice, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Kremen and R. Meyers.

Passed to Committee on Rules for second reading.

March 3, 1989

HB 2084 Prime Sponsor, Representative Wineberry: Establishing the Washington state commission on African-American affairs within the office of the Governor. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government be substituted therefor and the substitute bill do pass with the following amendments:

On page 4, following line 15, strike all of section 10

Re-number remaining sections consecutively and correct internal references accordingly.

On page 1, line 2 of the title, strike "making an appropriation;"

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Doty, Ferguson, Hine, May, McLean, Nealey, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Holland and Padden.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 2087 Prime Sponsor, Representative Bristow: Revising and adding provisions on alcoholism and drug abuse programs. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill do pass with the following amendments by Committee on Appropriations:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 406, Laws of 1987 as amended by section 1, chapter 163, Laws of 1988 and RCW 74.50.010 are each amended to read as follows:

The legislature finds:

(1) There is a need for reevaluation of state policies and programs regarding indigent alcoholics and drug addicts;

(2) The practice of providing a cash grant may be causing rapid caseload growth and attracting transients to the state;

(3) Many chronic public inebriates have been recycled through county detoxification centers repeatedly without apparent improvement;

(4) The assumption that all individuals will recover through treatment has not been substantiated;

(5) The state must modify its policies and programs for alcoholics and drug addicts and redirect its resources in the interests of these individuals, the community, and the taxpayers; and

(6) Treatment resources should be focused on persons willing to commit to rehabilitation(~~and~~);

~~((?))~~ It is the intent of the legislature that, to the extent possible, shelter services be developed under this chapter that do not result in the displacement of existing emergency shelter beds. To the extent that shelter operators do not object, it is the intent of the legislature that any vacant shelter beds contracted for under this chapter be made available to provide emergency temporary shelter to homeless individuals.

The legislature further finds that this chapter is a successful method of providing treatment to indigent alcoholics and drug addicts, but the program is facing fiscal restraints that may prevent the program from accomplishing its mission and may do irreparable harm to the continuation of the program.

Therefore, it is the intent of the legislature that the department of social and health services provide to eligible persons a balanced range of services for assessment, inpatient and outpatient continuum of treatment, and shelter within appropriated funds.

Sec. 2. Section 3, chapter 406, Laws of 1987 and RCW 74.50.020 are each amended to read as follows:

(1) Persons who are incapacitated from gainful employment due to alcoholism or drug addiction and who meet the eligibility requirements as established by rule by the department ~~((are eligible for))~~ may be eligible to receive special substance abuse programs as provided under this chapter. ~~(Eligible alcoholics and drug addicts shall have their needs addressed by the programs offered by the department of social and health services under this chapter and)~~ The department in its rules shall:

(a) Establish eligibility requirements for each program or service which requirements are designed to ensure that subsection (2) of this section is conformed to and that only persons who are incapacitated from gainful employment due to alcoholism or drug addiction qualify for assistance under this chapter.

(b) Establish income and resource limits for eligibility which shall be at least as stringent as the income and resource limits under RCW 74.04.005.

(c) Specify the amount of cash that can be disbursed by a protective payee to recipients of shelter assistance or outpatient treatment under this chapter.

(2) Within available funds, the department may provide to eligible persons services for assessment, inpatient and outpatient treatment, and shelter. In order to control expenditures or to comply with conditions or limitations placed on appropriations, the department may establish caseload ceilings and client eligibility standards for any of these services as well as priority classes for service under RCW 74.50.050(2).

(3) Nothing in this chapter shall prevent any person from receiving assistance under chapters 69.54 and 70.96A RCW.

Sec. 3. Section 5, chapter 406, Laws of 1987 and RCW 74.50.040 are each amended to read as follows:

(1) Subject to RCW 74.50.020(2), the department shall provide client assessment, treatment, and support services. The assessment services shall include diagnostic evaluation and arranging for admission into treatment or supported living programs.

(2) The department shall assist clients in making application for supplemental security benefits and in obtaining the necessary documentation required by the federal social security administration for such benefits.

(3) If, as a result of appropriation limitations under RCW 74.50.020(2), a person is not receiving treatment or shelter assistance under this chapter, and might be incapacitated from gainful employment due to physical or mental conditions:

(a) An assessment center shall refer that person to the general assistance unemployable program; and

(b) The department shall evaluate that person's eligibility for the general assistance unemployable program.

Sec. 4. Section 6, chapter 406, Laws of 1987 as amended by section 3, chapter 163, Laws of 1988 and RCW 74.50.050 are each amended to read as follows:

(1) Subject to RCW 74.50.020(2), the department shall provide alcohol and drug treatment services for indigent persons eligible under this chapter who are incapacitated from gainful employment due to drug or alcohol abuse or addiction. The treatment services may include but are not limited to:

(a) Intensive inpatient treatment services;

(b) Recovery house treatment;

(c) Outpatient treatment and counseling, including assistance in obtaining employment, and including a living allowance while undergoing outpatient treatment. The living allowance

may not be used to provide shelter to clients in a dormitory setting that does not require sobriety as a condition of residence. The living allowance shall be administered on the clients' behalf by the outpatient treatment facility or other social service agency designated by the department. The department is authorized to pay the facility a fee for administering this allowance.

~~(2) (Every effort will be made to serve all of those requesting treatment. If a waiting list develops, those persons awaiting treatment may be provided shelter services and shall have the option of receiving such shelter services through a protective payee. The department shall promulgate regulations which determine the amount of cash which may be disbursed by the protective payee to the recipient. A recipient who fails to appear for the scheduled treatment shall not be eligible for such waiting period benefits for a period of one year)) In order to comply with RCW 74.50.020(2), the department shall adopt rules providing for the classification of eligible applicants for treatment into priority classes. In establishing priority classes, the department shall consider the following:~~

~~(a) The need for treatment in conjunction with maternity care services for alcohol and drug abusing pregnant women to assure healthy births;~~

~~(b) The potential impact on families and children if treatment is unavailable for alcohol or drug abusing parents or household members; and~~

~~(c) The availability of treatment alternatives for persons eligible for treatment under this chapter who may also be eligible for drug and alcohol treatment services under other programs.~~

~~The department shall strive to serve all of those requesting treatment. If a waiting list develops, the department may limit treatment under this chapter to those in the highest priority class or classes. Persons awaiting treatment shall be referred to the shelter assistance program under RCW 74.50.060.~~

~~Treatment programs under this chapter for special populations such as pregnant women and single parents with children shall be designed to coordinate with programs providing maternity care services and child care, or to incorporate such services as necessary.~~

~~(3) No individual may receive treatment services under this section for more than six months in any two-year period: PROVIDED, That the department may approve additional treatment and/or living allowance as an exception.~~

~~(4) The department may require an applicant or recipient selecting treatment to complete inpatient and recovery house treatment when, in the judgment of a designated assessment center, such treatment is necessary prior to providing the outpatient program.~~

~~(5) The department may provide for outpatient treatment services without a shelter allowance to persons receiving income assistance through the family independence program, the aid to families with dependent children program, supplemental security income, or the general assistance program.~~

~~(6) The department shall adopt standards for performance-based contracting of treatment services under this section.~~

Sec. 5. Section 7, chapter 406, Laws of 1987 as amended by section 4, chapter 163, Laws of 1988 and RCW 74.50.060 are each amended to read as follows:

(1) Subject to RCW 74.50.020(2), the department shall establish a shelter assistance program ~~((to ensure the availability of shelter))~~ for persons eligible under this chapter. 'Shelter,' 'shelter support,' or 'shelter assistance' means a facility under contract to the department providing room and board in a supervised living arrangement, normally in a group or dormitory setting, to eligible recipients under this chapter. This may include supervised domiciliary facilities operated under the auspices of public or private agencies. No facility under contract to the department shall allow the consumption of alcoholic beverages on the premises. The department may contract with counties and cities for such shelter services. To the extent possible, the department shall not displace existing emergency shelter beds for use as shelter under this chapter. In areas of the state in which it is not feasible to develop shelters, due to low numbers of people needing shelter services, or in which sufficient numbers of shelter beds are not available, the department may provide shelter through protective payees. Eligible recipients may receive shelter assistance through contracted facilities, a protective payee, or an intensive protective payee system, as determined appropriate by the department. The intensive protective payee system shall include a case-management function and shall be administered in such a manner as to prevent the diversion of assistance for purchasing of alcohol or drugs.

(2) Subject to RCW 74.50.020(2), persons continuously eligible for the general assistance—unemployable program since July 25, 1987, who transfer to the program established by this chapter, have the option to continue their present living situation, but only through ~~(e)~~ an intensive protective payee.

NEW SECTION. Sec. 6. A new section is added to chapter 74.50 RCW to read as follows:

The department shall adopt a record keeping and tracking system which, at a minimum, is designed to identify individuals not qualified to receive additional treatment under RCW 74.50.050 and to permit management control and program evaluation. Contract providers shall submit such information to the department as is required by the department for the purpose of establishing and maintaining the system.

NEW SECTION. Sec. 7. A new section is added to chapter 74.98 RCW to read as follows:

Nothing in this chapter applies to any provision of chapter 74.50 RCW.

Sec. 8. Section 19, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 12, chapter 406, Laws of 1987 and RCW 74.09.035 are each amended to read as follows:

(1) To the extent of available funds, medical care services may be provided to recipients of general assistance, and ~~((recipients of alcohol and drug addiction services provided under chapter 74.50 RCW, in accordance with medical eligibility requirements established by the department))~~ to other persons who are incapacitated from gainful employment due to alcoholism or drug addiction and who meet the income and resource eligibility requirements applicable to recipients of general assistance.

(2) Determination of the amount, scope, and duration of medical care services shall be limited to coverage as defined by the department, except that adult dental, and routine foot care shall not be included unless there is a specific appropriation for these services.

(3) The department shall establish standards of assistance and resource and income exemptions, which may include deductibles and co-insurance provisions. In addition, the department may include a prohibition against the voluntary assignment of property or cash for the purpose of qualifying for assistance.

(4) Residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally retarded who are eligible for medical care services shall be provided medical services to the same extent as provided to those persons eligible under the medical assistance program.

(5) Payments made by the department under this program shall be the limit of expenditures for medical care services solely from state funds.

(6) Eligibility for medical care services shall commence with the date of certification for general assistance or the date ~~((of eligibility for alcohol and drug addiction services provided under chapter 74.50 RCW))~~ on which the department certifies that a person is incapacitated from gainful employment due to alcoholism or drug addiction and meets the income and resource eligibility requirements applicable to recipients of general assistance.

NEW SECTION. Sec. 9. Section 2, chapter 3 (SHB 1599), Laws of 1989 (uncodified) is hereby repealed.

NEW SECTION. Sec. 10. A new section is added to chapter 74.50 RCW to read as follows:

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

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

On page 1, line 2 of the title, after "addiction;" strike the remainder of the title and insert "amending RCW 74.50.010, 74.50.020, 74.50.040, 74.50.050, 74.50.060, and 74.09.035; adding new sections to chapter 74.50 RCW; adding a new section to chapter 74.98 RCW; repealing section 2, chapter 3 (SHB 1599), Laws of 1989 (uncodified); providing an effective date; and declaring an emergency."

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Appelwick, Belcher, Braddock, Brekke, Dorn, Ebersole, Hine, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Doty, Ferguson, Holland, Peery, Rust and Sprenkle.

Passed to Committee on Rules for second reading.

March 1, 1989

HB 2124 Prime Sponsor, Representative Haugen: Providing local governments with authority to impose additional regular property tax levies and transferring to counties the responsibility to fund certain activities. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Appelwick, Basich, Fraser, Grant, Haugen, Morris, Phillips, Rust, Silver and H. Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Brumsickle, Fuhrman and Van Luven.

Voting nay: Representatives Brumsickle and Fuhrman.

Absent: Representative Van Luven.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 2172 Prime Sponsor, Representative Nutley: Pertaining to low-income weatherization. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Housing be substituted therefor and the substitute bill do pass with the following amendments by Committee on Revenue:

On page 1, line 28, strike "2000" and insert "1996"

On page 2, line 30, strike "2000" and insert "1996"

Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Appelwick, Brumsickle, Fraser, Grant, Haugen, Phillips, Rust and H. Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Morris and Van Luven.

Voting nay: Representatives Basich, Morris and Van Luven.

Absent: Representatives Horn, Assistant Ranking Republican Member; Fuhrman and Silver.

Passed to Committee on Rules for second reading.

March 3, 1989

HB 2177 Prime Sponsor, Representative Bristow: Making changes to the firefighters' relief and pension fund. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Doty, Ebersole, Ferguson, Hine, May, McLean, Nealey, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

Absent: Representatives Holland and Padden.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 2198 Prime Sponsor, Representative Nelson: Pertaining to energy efficiency and conservation. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Energy & Utilities be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Appelwick, Fraser, Grant, Haugen, Phillips, Rust and H. Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Holland, Ranking Republican Member; Basich, Brumsickle, Morris and Van Luven.

Absent: Representatives Horn, Assistant Ranking Republican Member; Fuhrman and Silver.

Passed to Committee on Rules for second reading.

March 2, 1989

HB 2201 Prime Sponsor, Representative Walk: Revising funding of the Hood Canal Bridge. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Wood, Assistant Ranking Republican Member; Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Heavey, Jones, R. Meyers, Nelson, Prentice, Prince, Smith, Todd, Walker and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Betzoff, Haugen, Kremen, Patrick, D. Sommers and S. Wilson.

Passed to Committee on Rules for second reading.

March 4, 1989

HB 2205 Prime Sponsor, Representative Todd: Relating to aircraft fuel taxes. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Appelwick, Basich, Brunsickle, Fraser, Grant, Haugen, Morris, Phillips, Rust and H. Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Holland, Ranking Republican Member; and Van Luven.

Absent: Representatives Horn, Assistant Ranking Republican Member; Fuhrman and Silver.

Passed to Committee on Rules for second reading.

March 2, 1989

HJM 4019 Prime Sponsor, Representative Nelson: Requesting equal income tax treatment of employer-provided transit passes and vehicle parking. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 15, after "benefits" insert ", when those benefits are"

On page 1, line 15, after "month" insert ", then the total sum of those benefits are treated"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representatives Jones and Kremen.

Passed to Committee on Rules for second reading.

March 4, 1989

HJR 4210 Prime Sponsor, Representative H. Sommers: Authorizing school districts to modify tax levies for enhancement of education when authorized by the legislature. Reported by Committee on Revenue

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 9, after "authority," strike everything through "legislature," on line 10 and insert "when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve-month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting 'yes' on the proposition shall constitute three-fifths of a number equal to forty percent of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty percent of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty percent of the total votes cast in such taxing district in the last preceding general election."

Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Appelwick, Fraser, Grant, Haugen, Morris, Phillips, Rust, Silver, H. Sommers and Van Luven.

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

Absent: Representatives Horn, Assistant Ranking Republican Member; and Fuhrman.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Dorn, the bills, memorial and resolution listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

ANNOUNCEMENT BY THE SPEAKER

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

HOUSE BILL NO. 1458, by Representatives Grant, Brooks, Braddock and Sprenkle; by request of Department of Corrections

Regarding corrections and the intrastate compact.

The bill was read the second time.

Mr. Braddock moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Braddock spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1458.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1458, and the bill passed the House by the following vote: Yeas, 92; absent, 2; excused, 4.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Heavey, Locke - 2.

Excused: Representatives Appelwick, Berozoff, Miller, Todd - 4.

Substitute House Bill No. 1458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Heavey and Todd appeared at the bar of the House.

HOUSE BILL NO. 1465, by Representatives R. Meyers, Schmidt, Walk, Heavey, D. Sommers, Cooper, Jones and Berozoff; by request of Legislative Transportation Committee

Making technical corrections in driver and vehicle licensing laws.

The bill was read the second time.

Mr. Walk moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Walk spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1465.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1465, and the bill passed the House by the following vote: Yeas, 94; absent, 1; excused, 3.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Morris, Moyer,

Myers H. Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Locke - 1.

Excused: Representatives Appelwick, Betrozoff, Miller - 3.

House Bill No. 1465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Betrozoff and Miller appeared at the bar of the House.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) recognized Jeanne Smith, Intern Coordinator for the House of Representatives, who introduced visitors from the British Columbia Assembly, Victoria, including Ms. Elaine Dunbar, Administrator; Dr. Neil Swainson, Academic Director; and eight legislative interns, Maria D'Archangelo, Eamon Gaunt, Charles Horn, Freda Jung, Barry Penner, Nancy Thompson, Stephen Williams and Elaine Woodrow. The visitors from the British Columbia Legislative Assembly were welcomed by the members of the House of Representatives.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 10:45 a.m.

The Speaker called the House to order at 10:45 a.m.

HOUSE BILL NO. 1467, by Representatives Baugher, Prince, Schmidt, Walk, Cantwell, Zellinsky, Day and Winsley; by request of Legislative Transportation Committee

Creating the transportation capital facilities account.

The bill was read the second time.

Mr. Zellinsky moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Baugher spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1467.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1467, and the bill passed the House by the following vote: Yeas, 95; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hanks, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Gallagher, Locke - 2.

Excused: Representative Appelwick - 1.

House Bill No. 1467, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1478, by Representatives Braddock, Brooks and D. Sommers; by request of Board of Pharmacy

Regulating the board of pharmacy.

The bill was read the second time.

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

The Speaker stated the question before the House to be the final passage of House Bill No. 1478.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1478, and the bill passed the House by the following vote: Yeas, 93; absent, 4; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Braddock, Gallagher, Locke, Todd - 4.

Excused: Representative Appelwick - 1.

House Bill No. 1478, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 1510 and that the bill hold its place on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1524, by Representatives Nelson, Brooks and Braddock; by request of Department of Corrections

Changing provisions relating to Washington state correctional industries.

The bill was read the second time.

Mr. Nelson moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Nelson spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1524.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1524, and the bill passed the House by the following vote: Yeas, 95; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Hargrove, Locke - 2.

Excused: Representative Appelwick - 1.

House Bill No. 1524, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1562, by Representatives Sayan and Prentice; by request of Department of Social and Health Services

Providing for sanitary control of shellfish.

The bill was read the second time.

Mr. Day moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Sayan and Brooks spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1562.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1562, and the bill passed the House by the following vote: Yeas, 95; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Braddock, Locke - 2.

Excused: Representative Appelwick - 1.

Substitute House Bill No. 1562, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1630, by Representatives Nutley, Winsley, Leonard, Todd and Brough

Clarifying the property status of manufactured homes.

The bill was read the second time.

Ms. Nutley moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Nutley and Winsley spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1630.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1630, and the bill passed the House by the following vote: Yeas, 95; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Locke, Todd - 2.

Excused: Representative Appelwick - 1.

Substitute House Bill No. 1630, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1822 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1822, by Representatives Jacobsen, Van Luven, Rector, Miller, H. Myers, Wood, Jesernig, Ebersole, Wineberry, Appelwick, R. Fisher, Betzoff, Cole, Prince, Nelson, H. Sommers, Peery, Rasmussen, Wang, Dellwo, Ferguson, Gallagher, May, P. King, Walker, Hankins, Sprengle, Cantwell, Day, Nutley, D. Sommers, Moyer, Anderson, Silver, Nealey, Dorn, Todd, Holland, Brooks, G. Fisher, Heavey, Walk, Grant, Pruitt, Winsley, Valle, K. Wilson, Schoon, Morris, Hine, Horn, R. Meyers, Scott, Brekke, Tate, Bristolow, Wolfe, Patrick and Brumsickle

Enhancing access to upper division and graduate level higher education programs.

The bill was read the second time. On motion of Mr. Jacobsen, Substitute House Bill No. 1822 was substituted for House Bill No. 1822, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1822 was read the second time.

Ms. H. Sommers moved adoption of the following amendment by Representatives H. Sommers, Jacobsen, Van Luven and Miller:

On page 1, after "Sec. 1." strike all material through "residence" on line 10 and insert "The legislature finds that the benefits of higher education should be more widely available to the citizens of the state of Washington. The legislature also finds that a citizen's place of residence can restrict that citizen's access to educational opportunity at the upper division and graduate level."

Representatives H. Sommers, Jacobsen and Miller spoke in favor of adoption of the amendment, and it was adopted.

Ms. Belcher moved adoption of the following amendment by Representatives Belcher, R. King, Van Luven, H. Sommers, Basich, Jacobsen and Miller:

On page 2, line 12, insert the following paragraph:

"The legislature recognizes that, among their other responsibilities, the state's comprehensive community colleges share with the four-year universities and college the responsibility of providing the first two years of a baccalaureate education. It is the intent of the legislature that the four-year institutions and the community colleges work as cooperative partners to ensure the successful and efficient operation of the state's system of higher education. The legislature further intends that the four-year institutions work cooperatively with the community colleges to ensure that branch campuses are operated as models of a two plus two educational system"

Ms. Belcher spoke in favor of adoption of the amendment, and it was adopted.

Mr. Prince moved adoption of the following amendment by Representatives Prince, Jacobsen, Van Luven and Miller:

On page 2, line 20, after "underserved" strike "urban"

Representatives Prince and Jacobsen spoke in favor of adoption of the amendment, and it was adopted.

Ms. Belcher moved adoption of the following amendment by Representatives Belcher, H. Sommers, Van Luven, Jacobsen, Basich and Miller:

On page 3, after line 20, add the following:

NEW SECTION. Sec. 8. A new section is added to chapter 28B.80 RCW to read as follows:

In rules and guidelines adopted for purposes of this act, the higher education coordinating board shall ensure a collaborative partnership between the community colleges and the four-year institutions. The partnership shall be one in which the community colleges prepare students for transfer to the upper division programs of the branch campuses."

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

Representatives Belcher, Van Luven, Jacobsen and Brough spoke in favor of adoption of the amendment, and it was adopted.

Mr. Jacobsen moved adoption of the following amendments by Representatives Jacobsen, H. Sommers, Van Luven and Miller:

On page 3, following line 31, insert:

NEW SECTION. Sec. 9. Authorization for the programs, increases, and facilities described in this act is subject to legislative appropriation."

Renumber remaining sections consecutively and correct internal references accordingly.

On page 3, line 32, after "7" insert "and section 9"

Representatives Jacobsen, Van Luven and Miller spoke in favor of adoption of the amendments, and they were adopted.

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

Representatives Jacobsen, Van Luven, Ebersole, Miller, Wang, Basich and H. Sommers spoke in favor of passage of the bill, and Representatives Zellinsky, S. Wilson, Inslee and Smith spoke against it.

Representative Crane demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1822, and the bill passed the House by the following vote: Yeas, 72; nays, 24; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Basich, Betzoff, Brekke, Bristow, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hine, Holland, Horn, Jacobsen, Jesernig, King P, King R, Leonard, May, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schoon, Scott, Silver, Sommers D, Sommers H, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, and Mr. Speaker - 72.

Voting nay: Representatives Ballard, Baugher, Beck, Belcher, Bowman, Braddock, Brumsickle, Chandler, Doty, Fuhrman, Hargrove, Haugen, Heavey, Inslee, Jones, Kremen, McLean, Rayburn, Schmidt, Smith, Spanel, Wilson S, Youngsman, Zellinsky - 24.

Absent: Representative Locke - 1.

Excused: Representative Appelwick - 1.

Engrossed Substitute House Bill No. 1822, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1278 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1278, by Representatives G. Fisher, Wood, Cantwell, Winsley, Rector, Walk, Phillips, Hine and Sprenkle; by request of Governor Gardner

Expanding membership of the transportation improvement board.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 1278 was substituted for House Bill No. 1278, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1278 was read the second time.

Ms. Wood moved adoption of the following amendments by Representatives Wood and D. Sommers:

On page 1, line 7, after "~~(fifteen)~~" strike "eighteen" and insert "seventeen"

On page 1, line 13, after "transportation;" strike "(d) a representative of a public transit system;"

On page 1, line 14, after "and" strike "(e)" and insert "(d)"

On page 1, line 21, after "city," strike "transit."

On page 2, beginning on line 17, strike all material down through "area;" on line 20

On page 2, beginning on line 35, after "interests;" strike all material through "agencies;" on page 3, line 1

Renumber subsections consecutively and correct internal references accordingly.

Ms. Wood spoke in favor of adoption of the amendments, and Mr. Walk opposed them.

The amendments were not adopted.

Ms. Schmidt moved adoption of the following amendments by Representatives Schmidt, Ballard, Ferguson, Betzoff, D. Sommers and Brumsickle:

On page 2, line 22, after "the" strike "~~((secretary of the department of transportation, with initial appointments to be made by July 1, 1988))~~ governor" and insert "secretary of the department of transportation (~~(- with initial appointments to be made by July 1, 1988))~~"

On page 2, line 30, after "The" strike "governor" and insert "secretary of the department of transportation"

On page 2, line 35, after "The" strike "governor" and insert "secretary of the department of transportation"

Ms. Schmidt spoke in favor of adoption of the amendments, and Mr. Walk opposed them.

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

Mr. Betzoff spoke in favor of the amendments.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative Schmidt and others to Substitute House Bill No. 1278, and the amendments were not adopted by the following vote: Yeas, 37; nays, 57; absent, 3; excused, 1.

Voting yea: Representatives Ballard, Beck, Betzoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Ferguson, Fuhrman, Hankins, Haugen, Holland, Horn, Kremen, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luvan, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 37.

Voting nay: Representatives Anderson, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Hargrove, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Leonard, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 57.

Absent: Representatives Doty, Grant, Locke - 3.

Excused: Representative Appelwick - 1.

Substitute House Bill No. 1278 was passed to Committee on Rules for third reading.

PRESENTATION OF GIFT TO THE SPEAKER

On behalf of the Republican Caucus, Representative Clyde Ballard presented an original Dave Horsey cartoon to the Speaker.

The Speaker declared the House to be at ease until 1:45 p.m.

AFTERNOON SESSION

The Speaker called the House to order at 1:45 p.m.

Representative Locke appeared at the bar of the House.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced that the House would resume consideration of House Bills on the suspension calendar.

HOUSE BILL NO. 1724, by Representatives Prentice, Patrick, S. Wilson, Baugher, Walk, Betzoff, Zellinsky, Wood, Todd, R. Fisher, Nelson, Cooper, Holland, Sayan, D. Sommers, Gallagher, Anderson, Cantwell, Leonard, Haugen and Winsley; by request of Legislative Transportation Committee

Establishing criteria for state highway designation.

The bill was read the second time.

Mr. Zellinsky moved that the committee recommendation be adopted (For committee amendments, see Journal, 38th Day, February 15, 1989.) and the bill be advanced to third reading. Representatives Walk and Schmidt spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1724.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1724, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Schoon - 1.

Excused: Representative Appelwick - 1.

Engrossed House Bill No. 1724, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPEAKER'S PRIVILEGE

The Speaker introduced Ms. Carmen Suazo, Chair of the Cabinet on Human Rights, Washington State Nurses' Association, and Ms. Donna Poole, President of the Washington State Nurses' Association. Ms. Suazo presented to the House of Representatives a plaque honoring their efforts on behalf of nursing scholarships, education and the critical nursing shortage.

HOUSE BILL NO. 1881, by Representatives Rayburn, Nealey and Doty

Modifying allowable compensation for irrigation district directors.

The bill was read the second time.

Ms. Rayburn moved that the committee recommendation be adopted (For committee amendment, see Journal, 38th Day, February 15, 1989.) and the bill be advanced to third reading. Representatives Rayburn and Nealey spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1881.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1881, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Appelwick - 1.

Engrossed House Bill No. 1881, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE JOINT MEMORIAL NO. 4002, by Representatives Basich, S. Wilson, Rust, Sayan, Jacobsen, Wang, Jones, Nelson and Heavey; by request of Joint Select Committee on Marine and Ocean Resources

Requesting Congress to amend the outer continental shelf lands act.

The memorial was read the second time.

Ms. K. Wilson moved that the committee recommendation be adopted and the memorial be advanced to third reading. Ms. K. Wilson spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Joint Memorial No. 4002.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4002, and the memorial passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spaniel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Appelwick - 1.

House Joint Memorial No. 4002, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4003, by Representatives Basich, S. Wilson, Rust, Sayan, Jacobsen, Pruitt, Jones and Nelson; by request of Joint Select committee on Marine and Ocean Resources

Petitioning Congress to amend the outer continental shelf act.

The memorial was read the second time.

Ms. K. Wilson moved that the committee recommendation be adopted and the memorial be advanced to third reading. Ms. K. Wilson spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Joint Memorial No. 4003.

Mr. Basich spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4003, and the memorial passed the House by the following vote: Yeas, 93; absent, 4; excused, 1.

Voting yea: Representatives Anderson, Ballard, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spaniel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Basich, Hargrove, King R, Wang - 4.

Excused: Representative Appelwick - 1.

House Joint Memorial No. 4003, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1007, by Representatives Ballard, Ferguson, McLean and K. Wilson

Promoting safety in water skiing.

The bill was read the second time.

Ms. Belcher moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Belcher spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1007.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1007, and the bill passed the House by the following vote: Yeas, 95; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Brumsickle, Rayburn - 2.

Excused: Representative Appelwick - 1.

Substitute House Bill No. 1007, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1043, by Representatives Inslee, R. Meyers, Schmidt, Heavey, Baugher, Rayburn, Ballard, Winsley, P. King, Gallagher and Phillips; by request of Washington State Patrol

Providing a procedure for unclaimed property in the hands of the Washington state patrol.

The bill was read the second time.

Mr. Baugher moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Baugher and Schmidt spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1043.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1043, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sommers H - 1.

Excused: Representative Appelwick - 1.

House Bill No. 1043, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1056, by Representatives Sayan, R. King, Smith, Vekich and Belcher; by request of Department of Fisheries

Regulating herring spawn on kelp.

The bill was read the second time.

Ms. Morris moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Morris spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1056.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1056, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Grant - 1.

Excused: Representative Appelwick - 1.

Substitute House Bill No. 1056, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1287, by Representatives Day, Chandler, Crane, Winsley, Dellwo, Schmidt and P. King

Extending the time frame for possible renewal of escrow agent licenses.

The bill was read the second time.

Mr. Dellwo moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Dellwo and Chandler spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1287.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1287, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Morris - 1.

Excused: Representative Appelwick - 1.

Substitute House Bill No. 1287, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1292, by Representatives Braddock, Ballard, Vekich, D. Sommers, Day, Chandler, Wolfe, Brooks, Rector, May, Brekke and Spanel

Creating impaired health professional programs.

The bill was read the second time.

Ms. Morris moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Morris spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1292.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1292, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Appelwick - 1.

House Bill No. 1292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1370, by Representatives Brough, Haugen, Ferguson, Sayan, Hine, Miller and G. Fisher

Changing provisions relating to taxing district boundaries.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Cooper spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1370.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1370, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Appelwick - 1.

Substitute House Bill No. 1370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1379, by Representatives H. Sommers, Sayan, Silver, Brekke, Fuhrman, Holland, May, Winsley, Betzoff, Wolfe, Schoon, Miller, Horn, Phillips and Ballard; by request of Legislative Budget Committee

Authorizing adjustment of bid prices.

The bill was read the second time.

Ms. H. Sommers moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. H. Sommers spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1379.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1379, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Krømen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Appelwick - 1.

Substitute House Bill No. 1379, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1383, by Representatives Nutley and Cooper

Authorizing the designation of treasurers and auditors by regional planning commissions.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted (For committee amendments, see Journal, 40th Day, February 17, 1989.) and the bill be advanced to third reading. Representatives Cooper and Ferguson spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1383.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1383, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Krømen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sayan - 1.

Excused: Representative Appelwick - 1.

Engrossed House Bill No. 1383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1386, by Representatives Phillips, Ferguson, Horn and Haugen
Amending the requirement for creating small works roster.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Cooper and Ferguson spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1386.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1386, and the bill passed the House by the following vote: Yeas, 95; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Prentice, Vekich - 2.

Excused: Representative Appelwick - 1.

Substitute House Bill No. 1386, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1388, by Representatives Cooper, D. Sommers, R. Fisher, Prince, Walk, Schmidt, Patrick, Heavey, Crane, R. Meyers, Day and Moyer

Limiting the application of the good samaritan statute.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. R. Fisher spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1388.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1388, and the bill passed the House by the following vote: Yeas, 95; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Crane, Jones - 2.

Excused: Representative Appelwick - 1.

Substitute House Bill No. 1388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1395, by Representatives R. Fisher, McLean, Anderson, Nealey and Wolfe; by request of State Investment Board

Exempting certain financial and commercial information from public disclosure.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted (For committee amendment, see Journal, 40th Day, February 17, 1989.) and the bill be advanced to third reading. Representatives R. Fisher and McLean spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1395.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1395, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Appelwick - 1.

Engrossed House Bill No. 1395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease until 2:30 p.m.

The Speaker called the House to order at 2:30 p.m.

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

THIRD READING

ENGROSSED HOUSE BILL NO. 1855, by Representatives Jones, Vekich, Wang, Leonard, Jacobsen, R. King, Anderson, Ebersole, Cole, Nelson, Belcher, Basich, Brekke, Rector, Dellwo, Sayan, Wineberry, Crane, Prentice and Phillips

Establishing a state plant closure law.

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

POINT OF ORDER

Mr. Schoon: We do not have that bill before us.

SPEAKER'S REPLY

The Speaker: We understand that, Representative Schoon. We have the engrossed bill up here; the bill in your book is not engrossed. Any member who wants a copy of the engrossed bill may walk down to the front and we will make a copy available.

Representatives Jones, Hargrove, Sprenkle, Crane, Vekich, Sayan, Heavey, Kremen, Wang and Baugher spoke in favor of passage of the bill, and Representatives Patrick, Fuhrman, Schoon, Wolfe, Walker and Padden spoke against it. Mr. Jones again spoke in favor of the bill.

Representative Crane demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1855, and the bill passed the House by the following vote: Yeas, 62; nays, 35; excused, 1.

Voting yea: Representatives Anderson, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 62.

Voting nay: Representatives Ballard, Beck, Betzoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Raiter, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Wolfe, Wood, Youngsman - 35.

Excused: Representative Appelwick - 1.

Engrossed House Bill No. 1855, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease until 4:00 p.m.

The Speaker called the House to order at 4:00 p.m.

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

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1013 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1013, by Representatives P. King, Anderson, Jacobsen, Todd and K. Wilson

Including motorcycles in the Lemon Law.

The bill was read the second time. On motion of Ms. Cole, Substitute House Bill No. 1013 was substituted for House Bill No. 1013, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1013 was read the second time.

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

Representatives P. King and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1013, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Appelwick - 1.

Substitute House Bill No. 1013, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1412 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1412, by Representatives Kremen, Hankins, Heavey, Beck, Braddock, Basich, Baugher, Winsley, Day, G. Fisher, Prentice, Todd, R. Meyers, Jones, D. Sommers, Prince, S. Wilson, Gallagher, Betzoff, Walker, Wood, Haugen, Smith, Cantwell, Cooper, Pruitt, Zellinsky, K. Wilson, R. Fisher, Tate, Rector, Rasmussen, Youngsman, Doty, Schoon, Moyer, Wineberry, McLean, Dorn, Crane, Nealey, Sayan, Valle, Inslee, Jesernig, Fraser, Nutley, Patrick, H. Myers, Rayburn, R. King, Miller, Spanel, Brooks, Hargrove, Anderson, Sprengle, Scott, Grant, Dellwo, May, Van Luvan, Bowman, Horn, Fuhrman, Silver, Ferguson, Jacobsen, P. King, Morris and Phillips

Authorizing remembrance tabs for veterans' license plates.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 45th Day, February 22, 1989.)

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

Ms. Schmidt moved adoption of the following amendment by Representatives Schmidt, Kremen and Ferguson:

On page 1, line 8, after "flag," insert "Nothing in this section shall be construed to prohibit other members of the public, regardless of military service, from depicting the American flag on or near their vehicle license plates"

Ms. Schmidt spoke in favor of adoption of the amendment, and it was adopted.

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

Mr. Kremen spoke in favor of passage of the bill, and Ms. R. Fisher opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1412, and the bill passed the House by the following vote: Yeas, 92; nays, 5; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Belcher, Bristow, Cole, Fisher R, Locke - 5.

Excused: Representative Appelwick - 1.

Engrossed House Bill No. 1412, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1450 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1450, by Representatives R. Meyers, Heavey, Schmidt, Walk, D. Sommers, Todd, Kremen, Jones, Zellinsky, Haugen, Wood, Prentice, Cooper, Chandler and Winsley

Regulating motor fuel quality.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 1450 was substituted for House Bill No. 1450, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1450 was read the second time.

Mr. R. Meyers moved adoption of the following amendment:

On page 3, line 16, after "The" strike "general" and insert "motor vehicle"

Representatives R. Meyers and Schmidt spoke in favor of adoption of the amendment, and it was adopted.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1450, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Beck - 1.
Excused: Representative Appelwick - 1.

Engrossed Substitute House Bill No. 1450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1702 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1702, by Representatives Crane, Patrick, Cooper, Wolfe, Prentice, Anderson, Padden, Zellinsky, Youngsman and Betzoff

Limiting liability of pharmacists.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 24, 1989.)

Mr. Crane moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

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

Representatives Crane, Padden, Brooks and R. Meyers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1702, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Loven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Dellwo - 1.
Excused: Representative Appelwick - 1.

Engrossed House Bill No. 1702, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1453 on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1453, by Representatives Brooks, Sprengle, Moyer, Wolfe, Ebersole, Ballard, Braddock and Winsley

Including education and prevention services in the impaired physician program.

The bill was read the second time.

Mr. Braddock moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Brooks spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1453.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1453, and the bill passed the House by the following vote: Yeas, 90; absent, 7; excused, 1.

Voting yea: Representatives Anderson, Ballard, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Vaile, Van Luven, Vekich, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Basich, Dorn, Jacobsen, Meyers R, Scott, Walk, Walker - 7.

Excused: Representative Appelwick - 1.

House Bill No. 1453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1518, by Representatives Vekich, Walker, Patrick, Cole, Leonard, R. King, Heavey, Ebersole, Prentice, Basich, Jones and Winsley

Extending industrial insurance coverage.

The bill was read the second time.

Ms. Cole moved that the committee recommendation be adopted (For committee amendments, see Journal, 45th Day, February 22, 1989.) and the bill be advanced to third reading. Ms. Cole spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1518.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1518, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Vaile, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Appelwick - 1.

Engrossed House Bill No. 1518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

With consent of the House, Representative Ebersole was excused.

HOUSE BILL NO. 1596, by Representatives R. Meyers, Patrick, Wood, Jones, Heavey, Winsley, R. Fisher, P. King, Ferguson and Day

Funding motorcycle safety education.

The bill was read the second time.

Mr. Walk moved that the committee recommendation be adopted (For committee amendment, see Journal, 45th Day, February 22, 1989.) and the bill be advanced to third reading. Mr. Walk spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1596.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1596, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Hine - 1.

Excused: Representatives Appelwick, Ebersole - 2.

Engrossed House Bill No. 1596, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

It was my intention to vote "Yes" on the final passage of Engrossed House Bill No. 1596.

LORRAINE A. HINE, 33rd District.

HOUSE BILL NO. 1624, by Representatives Belcher, R. King, K. Wilson, Brumsickle, Haugen, Bowman, Locke, Jacobsen and Sayan

Regulating the sale of valuable materials from state-owned tidelands and shorelands.

The bill was read the second time.

Ms. Belcher moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Belcher spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1624.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1624, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Appelwick, Ebersole - 2.

Substitute House Bill No. 1624, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1639, by Representatives Dorn, Ferguson, Cooper, R. Meyers, Haugen, Zellinsky and Rasmussen

Regulating fire districts.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Cooper spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1639.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1639, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brække, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Appelwick, Ebersole - 2.

Substitute House Bill No. 1639, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1646, by Representatives Dellwo and Winsley

Regarding disciplinary action against realtors.

The bill was read the second time.

Mr. Dellwo moved that the committee recommendation be adopted (For committee amendments, see Journal, 40th Day, February 17, 1989,) and the bill be advanced to third reading. Mr. Dellwo spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1646.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1646, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brække, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Appelwick, Ebersole - 2.

Engrossed House Bill No. 1646, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1688, by Representatives K. Wilson, Belcher and Beck

Changing lease and contract requirements for tidelands, shorelands, and beds of navigable waters.

The bill was read the second time.

Ms. Belcher moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Belcher spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1688.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1688, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Appelwick, Ebersole - 2.

Substitute House Bill No. 1688, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1689, by Representatives Kremen, Gallagher and S. Wilson; by request of Department of Licensing

Revising provisions for refund of licensing fees.

The bill was read the second time.

Mr. Walk moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Walk spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1689.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1689, and the bill passed the House by the following vote: Yeas, 94; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives May, O'Brien - 2.

Excused: Representatives Appelwick, Ebersole - 2.

House Bill No. 1689, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1690, by Representatives Prince, Day and D. Sommers; by request of Department of Licensing

Changing provisions relating to the motor vehicle fuel tax.

The bill was read the second time.

Mr. Walk moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Walk spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1690.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1690, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Appelwick, Ebersole - 2.

House Bill No. 1690, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1729, by Representatives Dellwo, Chandler, Crane and Doty; by request of Department of General Administration

Cleaning up provisions of Title 30 RCW.

The bill was read the second time.

Mr. Dellwo moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Dellwo and Chandler spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1729.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1729, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Ballard, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Basich - 1.

Excused: Representatives Appelwick, Ebersole - 2.

House Bill No. 1729, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1730, by Representatives Dellwo, Chandler and Crane; by request of Department of General Administration

Regulating financial institutions.

The bill was read the second time.

Mr. Dellwo moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Dellwo and Chandler spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1730.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1730, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen,

Jesernig, Jones, King P. King R. Kremen, Leonard, Locke, May, McLean, Meyers R. Miller, Morris, Moyer, Myers H. Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D. Sommers H. Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K. Wilson S. Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Appelwick, Ebersole - 2.

House Bill No. 1730, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1772, by Representatives Spanel, S. Wilson, Haugen and R. King; by request of Department of Fisheries

Renaming and defining certain species of fish.

The bill was read the second time.

Ms. Morris moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Morris and S. Wilson spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1772.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1772, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, Fisher G. Fisher R. Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P. King R. Kremen, Leonard, Locke, May, McLean, Meyers R. Miller, Morris, Moyer, Myers H. Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D. Sommers H. Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K. Wilson S. Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Appelwick, Ebersole - 2.

House Bill No. 1772, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

March 5, 1989

HB 1051 Prime Sponsor, Representative Todd: Regarding developmentally disabled adults. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill do pass with the following amendments by Committee on Appropriations:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 10.77 RCW to read as follows:

Any person committed to the department of social and health services under chapter 10.77 or 71.05 RCW who appears to be developmentally disabled as defined in RCW 71A.10.020(2) may be evaluated by the secretary of the department of social and health services for suitability for the program created by this section. If appropriate, and subject to available funds, such a person may be treated in a program, hereby created, designed for developmentally disabled persons who pose a security risk in other available programs or facilities, or who would benefit from a program more specifically oriented toward developmentally disabled persons than programs or facilities for the mentally ill. The program shall be specifically reserved for the treatment of persons with developmental disabilities where the person can be habilitated by developmental disability professionals according to an individualized service

plan specifically developed for the particular needs of the person. The program shall be separate from other treatment or habilitation programs, and shall provide an environment affording security appropriate to the person's behavior and necessary to protect the public. All other provisions of chapter 10.77 RCW shall apply to such persons, as applicable.

NEW SECTION, Sec. 2. A new section is added to chapter 71.05 RCW to read as follows:

Any person committed to the department of social and health services under chapter 10.77 or 71.05 RCW who appears to be developmentally disabled as defined in RCW 71A.10.020(2) may be evaluated by the secretary of the department of social and health services for suitability for the program created by this section. If appropriate, and subject to available funds, such a person may be treated in a program, hereby created, designed for developmentally disabled persons who pose a security risk in other available programs or facilities, or who would benefit from a program more specifically oriented toward developmentally disabled persons than programs or facilities for the mentally ill. The program shall be specifically reserved for the treatment of persons with developmental disabilities where the person can be habilitated by developmental disability professionals according to an individualized service plan specifically developed for the particular needs of the person. The program shall be separate from other treatment or habilitation programs, and shall provide an environment affording security appropriate to the person's behavior and necessary to protect the public. All other provisions of chapter 71.05 RCW shall apply to such persons, as applicable.

NEW SECTION, Sec. 3. The sum of \$3,244,000, of which \$1,968,000 is from the state general fund, is appropriated for the biennium ending June 30, 1991, to the department of social and health services to carry out the purposes of this act. Prior to the expenditure of these funds, the department of social and health services, department of corrections, department of natural resources, and the developmental disabilities planning council, in coordination with appropriate community service organizations, shall develop a comprehensive approach to serving these developmentally disabled persons. A report on the same shall be submitted to the appropriate committees of the legislature by October 1, 1989."

On page 1, line 1 of the title, after "adults;" strike the remainder of the title and insert "adding a new section to chapter 10.77 RCW; adding a new section to chapter 71.05 RCW; and making an appropriation."

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Belcher, Bowman, Bristow, Brough, Dorn, Ebersole, Ferguson, Hine, May, McLean, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Doty, Holland and Nealey.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1119 Prime Sponsor, Representative Locke: Requiring testing and certification of English language interpreters in courts. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Minority Member; Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Ebersole, Ferguson, Hine, May, McLean, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Doty, Holland and Nealey.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1133 Prime Sponsor, Representative Wineberry: Encouraging employer involvement in child care facilities development and services. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Trade & Economic Development be substituted therefor and the substitute bill do pass with the following amendments by Committee on Appropriations:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature finds that the increasing difficulty of balancing work life and family needs for parents in the workforce has made the availability of quality, affordable child care a critical concern for the state and its citizens. The prospect for labor shortages resulting from the aging of the population and the importance of the quality of the workforce to the competitiveness of Washington businesses make the availability of quality child care an important concern for the state and its businesses.

The legislature further finds that making information on child care options available to businesses can help the market for child care adjust to the needs of businesses and working families. The legislature further finds that investments are necessary to promote partnerships between the public and private sectors, educational institutions, and local governments to increase the supply, affordability, and quality of child care in the state.

Sec. 2. Section 1, chapter 213, Laws of 1988 and RCW 74.13.085 are each amended to read as follows:

It shall be the policy of the state of Washington to:

(1) Recognize the family as the most important social and economic unit of society and support the central role parents play in child rearing. All parents are encouraged to care for and nurture their children through the traditional methods of parental care at home. However, ~~((to the extent child care services are used:))~~ there has been a dramatic increase in participation of women in the workforce which has made the availability of quality, affordable child care a critical concern for the state and its citizens. There are not enough child care services and facilities to meet the needs of working parents, the costs of care are often beyond the resources of working parents, and child care facilities are not located conveniently to work places and neighborhoods. Parents are encouraged to participate fully in the effort to improve the quality of child care services.

(2) Promote a variety of culturally and developmentally appropriate child care settings and services of the highest possible quality in accordance with the basic principle of continuity of care. These settings shall include, but not be limited to, family day care homes, mini-centers, centers and schools.

(3) Promote the growth, development and safety of children by working with community groups including providers and parents to establish standards for quality service, training of child care providers, fair and equitable monitoring, and salary levels commensurate with provider responsibilities and support services.

(4) Promote equal access to quality, affordable, socio-economically integrated child care for all children and families.

(5) Facilitate broad community and private sector involvement in the provision of quality child care services to foster economic development and assist industry.

Sec. 3. Section 2, chapter 213, Laws of 1988 and RCW 74.13.090 are each amended to read as follows:

(1) There is established a child care coordinating committee to provide coordination and communication between state agencies responsible for child care and early childhood education services. The child care coordinating committee shall be composed of not less than seventeen nor more than thirty members who shall include:

(a) One representative each from the department of social and health services, the department of community development, the office of the superintendent of public instruction, and any other agency having responsibility for regulation, provision, or funding of child care services in the state;

(b) One representative from the ~~((governor's commission on children))~~ department of labor and industries;

(c) One representative from the department of trade and economic development;

(d) One representative from the department of revenue;

(e) One representative from the employment security department;

(f) At least one representative of family home child care providers and one representative of center care providers;

~~((e))~~ (g) At least one representative of early childhood development experts;

~~((f))~~ (h) At least one representative of school districts and teachers involved in the provision of child care and preschool programs;

~~((g))~~ (i) At least one parent education specialist;

~~((h))~~ (j) At least one representative of resource and referral programs;

~~((i))~~ (k) One pediatric or other health professional;

~~((j))~~ (l) At least one representative of college or university child care providers;

~~((k))~~ (m) At least one representative of a citizen group concerned with child care;

~~((l))~~ (n) At least one representative of a labor organization;

~~((m))~~ (o) At least one representative of a head start - early childhood education assistance program agency;

~~((n))~~ (p) At least one employer who provides child care assistance to employees;

~~((o))~~ (q) Parents of children receiving, or in need of, child care, half of whom shall be parents needing or receiving subsidized child care and half of whom shall be parents who are able to pay for child care.

The named state agencies shall select their representative to the child care coordinating committee. The department of social and health services shall select the remaining members, considering recommendations from lists submitted by professional associations and other interest groups until such time as the committee adopts a member selection process. Staff support for the child care coordinating committee shall be provided within available resources by the department of social and health services on an ongoing basis. The department shall use any federal funds which may become available to accomplish the purposes of RCW 74.13.085 through 74.13.095.

The committee shall elect officers from among its membership and shall adopt policies and procedures specifying the lengths of terms, methods for filling vacancies, and other matters necessary to the ongoing functioning of the committee. The secretary of social and health services shall appoint a temporary chair until the committee has adopted policies and elected a chair accordingly. Child care coordinating committee members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(2) To the extent possible within available funds, the child care coordinating committee shall:

(a) Serve as an advisory coordinator for all state agencies responsible for early childhood or child care programs for the purpose of improving communication and interagency coordination, but not to review the substance of programs. ~~((The committee shall))~~

~~(b) Annually review state programs and make recommendations to the agencies and the legislature which will maximize funding and promote furtherance of the policies set forth in RCW 74.13.085(:(:)). Reports shall be provided to all appropriate committees of the legislature by December 1 of each year. At a minimum the committee shall:~~

~~((fb)) (i) Review and propose changes to the child care subsidy system ((by December 1, 1989)) in its December 1989 report;~~

~~(i) Review alternative models for child care service systems, in the context of the policies set forth in RCW 74.13.085, and recommend to the legislature a new child care service structure;~~

~~(iii) Review options and make recommendations on the feasibility of establishing an allocation for day care facilities when constructing state buildings;~~

~~(iv) Complete a study on liability insurance issues related to the provision of child care as directed in section 5 of this act and incorporate its findings and recommendations in its December 1990 report; and~~

~~(v) Review and propose statutory and administrative changes to encourage employer involvement in child care and partnerships between employers and the public sector to increase the quantity, quality, and affordability of child care services and facilities in this state.~~

(c) Review ~~((agency))~~ department of social and health services administration of the child care expansion grant program described in RCW 74.13.095(:(:));

~~(d) ((Review alternative models for child care service systems, in the context of the policies set forth in RCW 74.13.085, and recommend to the legislature a new child care service structure;~~

~~(e) Review options and make recommendations on the feasibility of establishing an allocation for day care facilities when constructing state buildings; and~~

~~(fb)) Review department of social and health services administration of the child care partnership program described in section 4 of this act.~~

(e) Perform other functions to improve the quantity and quality of child care in the state, including compliance with existing and future prerequisites for federal funding.

NEW SECTION, Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

(1) The secretary of the department of social and health services shall appoint a child care resource coordinator who shall, within appropriated funds:

(a) Seek public or private moneys and administer funding of available grants for the purpose of:

(i) Creating and operating community-based child care resource and referral agencies; and

(ii) Administering the child care partnership program established in subsection (2) of this section;

(b) Coordinate the provision of training and technical assistance to child care providers;

(c) Maintain a state-wide child care referral data bank and provide information to community-based child care resource and referral agencies about licensed child care providers in the state; and

(d) Collect and assemble information regarding the availability of insurance and of federal and other child care funding to assist state agencies, businesses, and other child care providers in offering child care-related services.

(2) The child care partnership program is established within the department of social and health services under the direction of the child care resource coordinator. The program shall encourage employer assistance and involvement in child care and foster partnerships between employers and the public sector to better meet the critical need for affordable, quality child care services in the state. In addition to the activities included in subsection (3) of this

section, the program shall provide assistance to community-based child care resource and referral agencies to increase their capacity to provide quality technical assistance to employers in their community. To the greatest extent possible and consistent with the need to ensure the quality of assistance provided to employers, funds appropriated for the purposes of the child care partnership program shall be allocated to community-based child care resource and referral agencies to carry out the activities included in subsection (3) of this section.

(3) The program shall work with the assistance of, and in consultation with, the child care coordinating committee, particularly the representatives of the department of trade and economic development, the department of labor and industries, and the department of revenue, and shall:

(a) Provide technical assistance to employers to enable them to support child care services or facilities. Such technical assistance shall include, but not be limited to: Assessment of the child care needs of employees and prospective employees; review of options available to employers interested in increasing access to child care for their employees; development of techniques to permit smaller employers to increase access to child care for their employees in a cost-effective manner; and review of methods for evaluating the impact of child care activities on the employer;

(b) Prepare information for employers on options for increasing involvement in child care;

(c) Develop a list of firms and individuals with expertise in the field of employer involvement in child care and utilize such firms and individuals, as appropriate, in delivering technical assistance. The program shall make this information available to employers to whom it provides technical assistance;

(d) Provide assistance to community-based child care resource and referral programs to increase their capacity to provide quality technical assistance to employers in their community; and

(e) Encourage local governments to create incentives for employer support for child care by providing information on such local government incentives in this state and other states.

(4) Representatives of the department of labor and industries, the department of trade and economic development, the employment security department and the department of revenue shall assist the department of social and health services in administration of the child care partnership program by making the existence of the program known to employers and businesses in Washington state through communications those agencies routinely have with these employers and businesses.

NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW to read as follows:

In addition to the responsibilities listed in RCW 74.18.090, the child care coordinating committee shall conduct a study of the liability insurance issues related to the provision of child care. In conducting this study, the child care coordinating committee shall involve appropriate state agencies, local governments, insurance providers, child care providers, businesses, health care and child abuse professionals, law enforcement officials, attorneys for both plaintiffs and defendants in this area, and other persons or organizations the child care coordinating committee deems appropriate.

NEW SECTION. Sec. 6. A new section is added to chapter 43.168 RCW to read as follows:

(1) The legislature finds that the dramatic increase in the participation of women in the workforce has resulted in a shortage of affordable, quality child care. The economy will continue to need the increasing participation of women in the workforce in the future; therefore affordable and quality child care is important for economic development.

(2) The committee may approve applications for projects to provide child care. The committee shall, subject to federal block grant criteria, give higher priority to economic development projects that contain provisions for child care.

(3)(a) A child care facilities loan guarantee fund is created in the custody of the committee. All receipts designated for the guarantee fund shall be placed in the guarantee fund and shall be administered by the committee including:

(i) Premiums and fees for guaranteeing loans;

(ii) Income from investments that the state treasurer, on instruction of the committee, makes for the committee under this section;

(iii) Proceeds from the sale, disposition, lease, or rental of collateral relating to loan guarantees;

(iv) Moneys appropriated by the state to the guarantee fund;

(v) Moneys appropriated by the committee from the development loan fund; and

(vi) Any other moneys made available to the guarantee fund.

Disbursements from the guarantee fund shall be on authorization by the committee. No appropriation shall be required to permit expenditures and payment of obligations from the fund.

(b) The guarantee fund shall be used to pay all expenses and disbursements authorized by the committee for administering the guarantee fund and financing the expansion, renovation, capital improvement or development of child care facilities in this state, including, but not limited to:

(i) Guaranty payments required by loan defaults; and

(ii) Expenses for administrative, legal, actuarial, technical assistance, and other services.

(c) If at any time the amount of money in the guarantee fund exceeds the amount that the committee finds necessary to meet its current expenses and obligations, the excess shall be deposited with the state treasurer to the credit of the fund and invested in the manner provided for by law.

(4)(a) Subject to the restrictions of this subsection (4), the committee, on application, may provide a guarantee of a loan made to an applicant. The committee may guarantee a loan only if the applicant meets the qualifications required by this section and the loan is to be used for expansion, renovation, capital improvement, or financing of a child care facility.

(b) To apply for a loan guarantee, an applicant shall submit an application to the committee on the form required by the committee. The application shall include, at a minimum:

(i) A detailed description of the proposed or existing day care facility, including the categories of children served or to be served and documentation of licensing pursuant to chapter 74.15 RCW;

(ii) An itemization of known and estimated costs;

(iii) The total amount of investment required to expand or develop the day care facility;

(iv) The funds available to the applicant without loan guarantee assistance from the committee;

(v) The amount of loan guarantee assistance sought from the committee;

(vi) Information about the inability of the applicant to obtain the financing necessary for the facility on reasonable terms through conventional lending channels;

(vii) Information on the financial status of the applicant, including, if applicable:

(A) A current balance sheet;

(B) A profit and loss statement;

(C) Credit references; and

(D) Any other relevant information required by the committee.

(c) In guaranteeing loans under this subsection (4), consideration shall be given to:

(i) Geographic distribution of child care facilities;

(ii) Community need in the community in which the facility is or will be located;

(iii) Community income, with special weight given to those communities with the lowest median family income; and

(iv) Commitment by the applicant as a condition of the loan guarantee to serve a reasonable number of: Handicapped children, as defined under chapter 72.40 RCW; sick children; infants; children requiring night time or weekend care; or children whose costs of care are subsidized by the department of social and health services.

(d) Except as otherwise required in this subsection (4), the committee may set the terms and conditions for guarantees of loans. The total aggregate amount of the loan guarantee for any applicant may not exceed eighty percent of the loan.

(5) The total aggregate amount of insurance from the guarantee fund, with respect to the insured portions of loans, may not exceed at any time an amount equal to five times the balance in the guarantee fund.

(6) The committee shall adopt rules setting forth criteria, application procedures, and methods to assure compliance with the purposes described in this section.

NEW SECTION. Sec. 7. The sum of two hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of social and health services for the purposes of section 4 of this act, including an employer support position.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 74.13.085 and 74.13.090; adding new sections to chapter 74.13 RCW; adding a new section to chapter 43.168 RCW; creating a new section; making an appropriation; and declaring an emergency."

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Belcher, Bowman, Braddock, Bristow, Brough, Dorn, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Padden, Rust, Sayan, Spanel, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Brough and Doty.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1160 Prime Sponsor, Representative Leonard: Dealing with community-based family support centers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Belcher, Braddock, Brekke, Bristow, Brough, Dorn, Ebersole, Ferguson, Holland, May, McLean, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Bowman, Nealey and Padden.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Doty, Holland, Peery and Sprenkle.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1247 Prime Sponsor, Representative R. Fisher: Providing shared leave for state employees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Belcher, Bowman, Brekke, Brough, Dorn, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; and Padden.

Voting nay: Representatives Silver, Ranking Republican Member; Braddock and Padden.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Bristow and Doty.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1301 Prime Sponsor, Representative D. Sommers: Providing for radon studies. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by the Committee on Environmental Affairs be substituted therefor and the substitute bill do pass with the following amendments by Committee on Appropriations:

On page 4, beginning on line 5, strike all material through "act." on line 13

On page 1, line 2 of the title, after "70.98 RCW;" strike the remainder of the title and insert "and adding a new section to chapter 19.27 RCW."

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Belcher, Bowman, Brough, Dorn, Ferguson, Hine, May, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

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

Voting nay: Representatives Braddock and McLean.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Doty, Holland and Nealey.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1324 Prime Sponsor, Representative Brooks: Creating a department of health. Reported by Committee on Appropriations

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

On page 59, beginning on line 8, strike all of section 513

Renumber the remaining sections consecutively and correct internal references accordingly.

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Belcher, Bowman, Brekke, Brough, Dorn, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick and Doty.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1417 Prime Sponsor, Representative Heavey: Establishing the educational opportunity grant program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Belcher, Brekke, Bristow, Brough, Dorn, Ebersole, Hine, May, McLean, Padden, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; and Bowman.

Voting nay: Representatives Silver, Ranking Republican Member; Belcher, Bowman and Braddock.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Doty, Holland and Nealey.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1444 Prime Sponsor, Representative Peery: Revising programs for students at risk. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass with the following amendments by Committee on Appropriations:

Strike everything after the enacting clause and insert the following:

"STUDENTS AT RISK

PART I

LEARNING ASSISTANCE PROGRAM FOR STUDENTS AT RISK OF DROPPING OUT

Sec. 1. Section 1, chapter 478, Laws of 1987 and RCW 28A.120.010 are each amended to read as follows:

The legislature finds that an important and effective means of improving the educational performance of many students with special needs is to improve the general education program. The legislature also finds that there is a continuum of educational program needs among students with learning problems or poor academic performance. The legislature wants to encourage school districts to serve students with special needs within the regular classroom. Therefore, the legislature intends to replace the remediation program with a broader range of program options, without reducing special instructional programs when those services are both necessary and appropriate. The legislature intends to enhance the ability of basic education teachers to identify and address learning problems within the regular classroom. The legislature further intends to stimulate development by local schools and school districts of innovative and effective means of serving students with special needs. The goal is to increase the achievement of students with special needs in a shorter period of time using processes that are more timely, appropriate and effective in producing better outcomes.

Sec. 2. Section 4, chapter 478, Laws of 1987 and RCW 28A.120.016 are each amended to read as follows:

Each school district which applies for state funds distributed pursuant to RCW 28A.120.022 shall conduct a needs assessment and, on the basis of its findings, shall develop a plan for the use of these funds. The plan may incorporate plans developed by each eligible school. Districts are encouraged to place special emphasis on addressing the needs of students in the early grades. The needs assessment and plan shall be updated at least biennially, and shall be determined in consultation with an advisory committee including but not limited to members of the following groups: Parents, including parents of students served by the program; teachers; principals; administrators; and school directors. The district shall submit a biennial application specifying this plan to the office of the superintendent of public instruction for approval. Plans shall include:

(1) The means which the district will use to identify participating students to receive additional services or support under the proposed program;

(2) The specific services or activities which the funds will be used to support, and their estimated costs;

(3) A plan for annual evaluation of the program by the district, based on performance objectives related to basic skills achievement of participating students, and a plan for reporting the results of this evaluation to the superintendent of public instruction;

(4) Procedures for recordkeeping or other program documentation as may be required by the superintendent of public instruction; and

(5) The approval of the local school district board of directors.

Sec. 3. Section 6, chapter 478, Laws of 1987 and RCW 28A.120.020 are each amended to read as follows:

Services or activities which may be supported under an approved program of learning assistance shall include but not be limited to:

(1) Consultant teachers to assist classroom teachers in meeting the needs of participating students;

(2) Instructional (~~support staff~~) assistants to assist classroom teachers in meeting the needs of participating students;

(3) In-service training for classroom teachers and instructional assistants in multicultural differences and the identification of learning problems or in instructional methods for teaching students with learning problems;

(4) Special instructional programs for participating students, of sufficient size, scope, and quality to address the needs of these students and to give reasonable promise of substantial progress towards meeting their educational objectives;

(5) Tutoring assistance during or after school or on Saturday provided by a student tutor, teacher, or instructional assistant; and

(6) In-service training for parents of participating students.

Sec. 4. Section 7, chapter 478, Laws of 1987 and RCW 28A.120.022 are each amended to read as follows:

Each school district which has established an approved program shall be eligible, as determined by the superintendent of public instruction, for state funds made available for the purposes of such programs. The superintendent of public instruction shall make use of data derived from the basic skills tests in determining the amount of funds for which a district may be eligible. Funds shall be distributed according to the district's total full-time equivalent enrollment in kindergarten through grade nine and the percentage of the district's students taking the basic skills tests who scored in the lowest quartile as compared with national norms. In making this calculation, the superintendent of public instruction may use an average over the immediately preceding five or fewer years of the district's percentage scoring in the lowest quartile. The superintendent of public instruction shall also deduct the number of students at these age levels who are identified as specific learning disabled and are generating state funds for special education programs conducted pursuant to chapter 28A.13 RCW, in distributing state funds for learning assistance. In those districts receiving learning assistance funds in which students' test scores improve, such funds for subsequent years shall be calculated by recognizing one-half of the decrease of the district's eligible students. Additional funds provided through this incentive may be allocated to schools as specified by the district's board of directors. The distribution formula in this section is for allocation purposes only.

PART II

SUBSTANCE ABUSE AWARENESS

Sec. 5. Section 206, chapter 518, Laws of 1987 and RCW 28A.120.032 are each amended to read as follows:

The superintendent of public instruction shall adopt rules to implement this section and RCW 28A.120.034 through 28A.120.050 and shall distribute moneys appropriated for the purposes of RCW 28A.120.034 through 28A.120.050 to school districts on a grant basis (~~from moneys appropriated for the purposes of this section and RCW 28A.120.034 through 28A.120.050; funds~~) or in accordance with a state funding formula, as determined by the legislature in the appropriations act or other legislation providing an appropriation, for the development and implementation of educational and disciplinary policies leading to the implementation of prevention, intervention, and aftercare activities regarding the use and abuse of drugs and alcohol. The following program areas may be funded through moneys made available for this section and RCW 28A.120.034 through 28A.120.050, including but not limited to:

- (1) Comprehensive program development;
- (2) Prevention programs;
- (3) Elementary identification and intervention programs;
- (4) Secondary identification and intervention programs;
- (5) School drug and alcohol core team development and training;
- (6) Development of referral and preassessment procedures;
- (7) Aftercare;
- (8) Drug and alcohol specialist;

(9) Staff, parent, student, and community training; and

(10) Coordination with law enforcement, community service providers, other school districts, educational service districts, and drug and alcohol treatment facilities.

Sec. 6. Section 207, chapter 518, Laws of 1987 and RCW 28A.120.034 are each amended to read as follows:

(1) School districts interested in implementing a substance abuse awareness program shall have on file an application for state or federal funds with the superintendent of public instruction. The application shall include the following:

(a) A letter of commitment from the board of directors to adopt a comprehensive written policy on drugs and alcohol, and a proposed substance (~~((awareness))~~ abuse awareness program and implementation plan, within six months of receipt of state funding. The ~~((comprehensive policy and program))~~ program's implementation plan shall address the issues of prevention, intervention, aftercare, and disciplinary policies, and shall emphasize cooperation and coordination of services among public and private agencies, including law enforcement agencies. If the district's board of directors has already adopted a comprehensive policy and plan, the district shall submit a copy of the comprehensive policy and plan;

(b) A letter of commitment from the board of directors to appoint a school and community substance abuse advisory committee if such a committee has not been established. The advisory committee shall include representatives of at least the following: The school district instructional staff, students, parents, state and local government law enforcement personnel, and the county coordinator of alcohol and drug treatment, or his or her designee, or a representative of other treatment service providers. If the district has already established an advisory committee but its membership does not include members representing any of the groups identified in this subsection, the board of directors shall appoint an additional member or members, if necessary, accordingly. The advisory committee shall work to help coordinate school district programs and services with programs and services available within the community and thereby contribute toward the development of a continuum of prevention, intervention, and after care services within the total community and to avoid the duplication of services; and

(c) A copy of the district's assessment of the scope of the problem of drug and alcohol abuse within the district, as such use and abuse by individuals affects the learning environment in each school.

(2) The district shall demonstrate its plan to provide local matching funds of an amount equal to at least twenty percent of the state funds that the district is eligible to receive. Matching funds may be funds received from federal programs, other funds available to the district, or in-kind contributions: PROVIDED, That in-kind contributions shall be not more than one-half of the minimum matching funds required.

(3) The district shall provide an outline of procedures for evaluating the effectiveness of the district's substance abuse awareness program.

(4) Joint applications and programs may be undertaken by school districts. Districts which elect to participate in a joint program may file a joint application and establish a joint school and community substance abuse advisory committee.

PART III

HIGH SCHOOL DROP-OUT RATE REDUCTION

NEW SECTION. Sec. 7. The legislature finds that high schools designed to meet the diverse needs of students can be an important factor in decreasing the drop-out rate. The development of alternative high schools, schools-within-schools, and subject-matter-related schools is encouraged. High schools are also encouraged to design programs that demonstrate flexibility in daily, weekly, monthly, and yearly schedules.

NEW SECTION. Sec. 8. A student tutor corps may be established, as funded by appropriation, to work with students at risk of dropping out of school. Student tutors may be high school or college students and may receive an hourly stipend. The selection of ethnic and racial minority students as student tutors is encouraged.

NEW SECTION. Sec. 9. Any student who has dropped out of high school for six weeks or longer, has returned from participation in a drug or alcohol abuse treatment program, is about to become or is a teen parent, or has returned from hospitalization due to a mental health problem may choose to attend any other high school in the state regardless of residence. Students may attend a nonresident school only if they are accepted by the school. Schools may not charge nonresident students tuition. Schools are encouraged to accept students who choose to transfer if they meet these conditions.

PART IV

FLEXIBLE SCHEDULING

NEW SECTION. Sec. 10. A new section is added to chapter 28A.41 RCW to read as follows: The superintendent of public instruction shall establish procedures to allow schools to claim basic education allocation funds for students attending classes that are provided outside the calendar school year to the extent such attendance is in lieu of attendance during the regular school year.

Sec. 11. Section 2, chapter 46, Laws of 1973 as last amended by section 201, chapter 2, Laws of 1987 1st ex. sess. and RCW 28A.41.130 are each amended to read as follows:

From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education an amount which, when combined with an appropriate portion of such locally available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW 28A.02.300 and 28A.02.310, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full time equivalent student enrolled, based upon one full school year of one hundred eighty days except as provided in section 10 of this act when other attendance is in lieu of attendance during the regular school year, except that for kindergartens one full school year shall be one hundred eighty half days of instruction, or the equivalent as provided in RCW 28A.58.754, as now or hereafter amended.

Basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW 28A.41.130 and 28A.41.140 to fund those program requirements identified in RCW 28A.58.754 in accordance with the formula and ratios provided in RCW 28A.41.140 and those amounts of dollars appropriated by the legislature to fund the salary requirements of RCW 28A.41.110 and 28A.41.112.

Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of students per classroom teacher in grades kindergarten through three is not greater than the ratio of students per classroom teacher in grades four and above for such district: PROVIDED, That for the purposes of this section, 'classroom teacher' shall be defined as an instructional employee possessing at least a provisional certificate, but not necessarily employed as a certificated employee, whose primary duty is the daily educational instruction of students: PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the student/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practicably meet the student/teacher ratio requirements of this section by virtue of a small number of students.

If a school district's basic education program fails to meet the basic education requirements enumerated in RCW 28A.41.130, 28A.41.140 and 28A.58.754, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured: PROVIDED, That the state board of education may waive this requirement in the event of substantial lack of classroom space.

Sec. 12. Section 13, chapter 283, Laws of 1969 ex. sess. as last amended by section 2, chapter 189, Laws of 1985 and RCW 28A.02.061 are each amended to read as follows:

The following are school holidays, and school shall not be taught on these days except as provided in section 10 of this act: Saturday; Sunday; the first day of January, commonly called New Year's Day; the third Monday of January, being celebrated as the anniversary of the birth of Martin Luther King, Jr.; the third Monday in February to be known as Presidents' Day and to be celebrated as the anniversary of the births of Abraham Lincoln and George Washington; the last Monday in May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the eleventh day of November, to be known as Veterans' Day, the fourth Thursday in November, commonly known as Thanksgiving Day; the day immediately following Thanksgiving Day; the twenty-fifth day of December, commonly called Christmas Day: PROVIDED, That no reduction from the teacher's time or salary shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught.

NEW SECTION. Sec. 13. Sections 7 through 9 of this act are each added to chapter 28A.120 RCW.

PART V CORE COMPETENCIES

NEW SECTION. Sec. 14. The state board of education shall, in consultation with the higher education coordinating board, the superintendent of public instruction, institutions of higher education, and other relevant agencies, review and evaluate strategies to replace the use of carnegie units with core competencies, including critical thinking skills, to evaluate student performance. The state board of education shall report its findings and recommendations to the governor, the higher education coordinating board, the superintendent of public instruction, and the legislature by December 1989.

PART VI PILOT PROGRAMS FOR PREVENTION OF LEARNING PROBLEMS

NEW SECTION. Sec. 15. (1) The superintendent of public instruction shall select a maximum of ten school districts to participate in a pilot program for prevention of learning problems and academic delays. The program shall be for three years beginning with the 1989-90 school

year. The program shall be funded from school district resources available for this purpose. However, if at the end of a school year the number of specific learning disabled students served by a participating district in handicapped education programs during that school year has averaged less than four percent of the district's annual average full-time equivalent enrollment, the district may receive state reimbursement for costs of the pilot program from appropriations for this purpose. The maximum amount of reimbursement for a school year shall be the difference between the state allocation for handicapped students that the district would have received with four percent of enrollment identified as specific learning disabled, and the actual state allocation for handicapped students that the district received for that school year.

(2) School districts applying to participate in the three-year pilot program established under this section shall submit a proposed program budget for the 1989-90 school year to the superintendent of public instruction, and a preliminary budget plan for the two ensuing school years. These proposed budgets or budget plans shall outline the resources to be used by the district in the identification and early prevention of learning problems. Districts selected to participate shall submit an updated budget proposal to the superintendent of public instruction prior to each of the 1990-91 and 1991-92 school years. The state reimbursement received by the district under this section for any school year shall not exceed the total amount of the district's expenditures for identification and prevention of learning problems pursuant to the budget submitted for that school year.

(3) Applications submitted by school districts shall also include:

(a) Assurances that the school district will not deny access to special education programs for handicapped students entitled to services under chapter 28A.13 RCW;

(b) A description of methods to be used by the district to identify students for additional instruction or other services provided under the pilot program;

(c) A description of the types of instructional programs or services to be used in prevention of learning problems;

(d) A plan for evaluating the effectiveness of the district's program at the end of the three-year period, using student test scores and other indicators of academic progress as determined by the district; and

(e) Other information as may be required by the superintendent of public instruction.

(4) For the purposes of this section, "state allocation for handicapped students" includes state handicapped education moneys allocated for students served in special education programs provided under chapter 28A.13 RCW, and basic education allocations generated by such students under the state funding formula adopted pursuant to RCW 28A.41.140.

NEW SECTION. Sec. 16. Prior to December 15, 1992, the superintendent of public instruction shall submit a report on the pilot program established under section 15 of this act to the education committees of the house of representatives and the senate. The report shall include an analysis of the effectiveness of the program and recommendations on whether the program should be continued or expanded to other districts.

NEW SECTION. Sec. 17. The superintendent of public instruction may adopt rules to implement section 15 of this act.

NEW SECTION. Sec. 18. Sections 15 through 17 of this act shall expire December 15, 1992.

PART VII

MISCELLANEOUS

NEW SECTION. Sec. 19. Subchapter headings used in this act do not constitute any part of the law."

On page 1, line 1 of the title, after "risk;" strike the remainder of the title and insert "amending RCW 28A.120.010, 28A.120.016, 28A.120.020, 28A.120.022, 28A.120.032, 28A.120.034, 28A.41.130, and 28A.02.061; adding new sections to chapter 28A.120 RCW; adding a new section to chapter 28A.41 RCW; creating new sections; and providing an expiration date."

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Ebersole, Ferguson, Hine, McLean, Padden, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Braddock, Doty, Holland and Nealey.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1448

Prime Sponsor, Representative Jacobsen: Providing for the expenditure of surcharges assessed on radioactive waste disposal. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Energy & Utilities. (For committee amendments, see Journal, 40th Day, February 17, 1989.)

Signed by Representative Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Minority Member; Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Ebersole, Ferguson, Hine, May, McLean, Padden, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Doty, Holland and Nealey.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1573 Prime Sponsor, Representative Ebersole: Regarding identification of levy reduction funds. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education. (For committee amendment, see Journal, 52nd Day, March 1, 1989.) Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Ebersole, Ferguson, Hine, May, McLean, Padden, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Voting nay: Representatives Silver, Ranking Republican Member; Belcher and Peery.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Braddock, Doty, Hine, Holland and Nealey.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1622 Prime Sponsor, Representative Belcher: Revising laws concerning recreational boating. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Natural Resources & Parks be substituted therefor and the substitute bill do pass with the following amendments by Committee on Appropriations:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The legislature finds that the waters of Washington state provide a unique and valuable recreational resource to large and growing numbers of boaters. Proper stewardship of, and respect for, these waters requires that, while enjoying them for their scenic and recreational benefits, boaters must exercise care to assure that such activities do not contribute to the despoliation of these waters, and that watercraft be operated in a safe and responsible manner. The legislature has specifically addressed the topic of access to clean and safe waterways by requiring the 1987 boating safety study and by establishing the Puget Sound water quality authority.

The legislature finds that there is a need to educate Washington's boating community about safe and responsible actions on our waters and to increase the level and visibility of the enforcement of boating laws. To address the incidence of fatalities and injuries due to recreational boating on our state's waters, local and state efforts directed towards safe boating must be stimulated. To provide for safe waterways and public enjoyment, funds should be made available for boating safety and other boating recreation purposes.

In recognition of the need for clean waterways, and in keeping with the Puget Sound water quality authority's 1987 management plan, the legislature finds that adequate opportunities for responsible disposal of boat sewage must be made available. There is hereby established a five-year initiative to install sewage pumpout or sewage dump stations at appropriate marinas.

To assure the use of these sewage facilities, a boater environmental education program must accompany the five-year initiative and continue to educate boaters about boat wastes and aquatic resources.

The legislature also finds that, in light of the increasing numbers of boaters utilizing state waterways, a program to acquire and develop sufficient waterway access facilities for boaters must be undertaken.

To support boating safety, environmental protection and education, and public access to our waterways, the legislature declares that funds should be made available to support these efforts.

NEW SECTION. Sec. 2. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) 'Boat wastes' shall include, but are not limited to, sewage, garbage, marine debris, plastics, contaminated bilge water, cleaning solvents, paint scrapings or discarded petroleum products associated with the use of vessels.

(2) 'Boater' means any person on a vessel on waters of the state of Washington.

(3) 'Commission' means the Washington state parks and recreation commission.

(4) 'Environmentally sensitive area' means a restricted body of water where discharge of untreated sewage from boats is especially detrimental because of limited flushing, shallow water, commercial or recreational shellfish, swimming areas, diversity of species, the absence of other pollution sources, or other characteristics.

(5) 'Marina' means a facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

(6) 'Polluted area' means a body of water used by boaters that is contaminated by boat wastes at unacceptable levels, based on applicable water quality and shellfish standards.

(7) 'Public entities' means all elected or appointed bodies, including tribal governments, responsible for collecting and spending public funds.

(8) 'Sewage dump station' means any receiving chamber or tank designed to receive vessel sewage from a 'porta-potty' or a portable container.

(9) 'Sewage pumpout station' means a mechanical device, generally stationed on a dock, pier, float, barge, or other location convenient to boaters, designed to remove sewage waste from holding tanks on vessels.

(10) 'Vessel' means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

NEW SECTION. Sec. 3. The commission, in consultation with the departments of ecology, fisheries, wildlife, natural resources, social and health services, and the Puget Sound water quality authority shall conduct a literature search and analyze pertinent studies to identify areas which are polluted or environmentally sensitive within the state's waters. Based on this review the commission shall designate appropriate areas as polluted or environmentally sensitive, for the purposes of this act only.

NEW SECTION. Sec. 4. (1) A marina which meets one or more of the following criteria shall be designated by the commission as appropriate for installation of a sewage pumpout or sewage dump station:

(a) The marina is located in an environmentally sensitive or polluted area; or

(b) The marina has one hundred twenty-five slips or more and there is a lack of sewage pumpouts within a reasonable distance.

(2) In addition to subsection (1) of this section, the commission may at its discretion designate a marina as appropriate for installation of a sewage pumpout or sewage dump station if there is a demonstrated need for a sewage pumpout or sewage dump station at the marina based on professionally conducted studies undertaken by federal, state, or local government, or the private sector; and it meets the following criteria:

(a) The marina provides commercial services, such as sales of food, fuel or supplies, or overnight or live-aboard moorage opportunities;

(b) The marina is located at a heavily used boating destination or on a heavily traveled route, as determined by the commission; or

(c) There is a lack of adequate sewage pumpout station capacity within a reasonable distance.

(3) Exceptions to the designation made under this section may be made by the commission if no sewer, septic, water, or electrical services are available at the marina.

(4) In addition to marinas, the commission may designate boat launches or boater destinations as appropriate for installation of a sewage pumpout or sewage dump station based on the criteria found in subsections (1) and (2) of this section.

NEW SECTION. Sec. 5. (1) Marinas and boat launches designated as appropriate for installation of a sewage pumpout or sewage dump station under section 4 of this act shall be eligible for funding support for installation of such facilities from funds specified in section 11 of this act. The commission shall notify owners or operators of all designated marinas and boat launches of the designation, and of the availability of funding to support installation of appropriate sewage disposal facilities. The commission shall encourage the owners and operators to apply for available funding.

(2) The commission shall contract with, or enter into an interagency agreement with another state agency to contract with, applicants based on the criteria specified below:

(a)(i) Contracts may be awarded to publicly owned, tribal, or privately owned marinas or boat launches.

(ii) Contracts may provide for state reimbursement to cover eligible costs as deemed reasonable by commission rule. Eligible costs include purchase, installation, or major renovation of the sewage pumpout or sewage dump stations, including sewer, water, electrical connections, and those costs attendant to the purchase, installation, and other necessary appurtenances, such as required pier space, as determined by the commission.

(iii) Ownership of the sewage pumpout or sewage dump station will be retained by the state through the commission in privately owned marinas. Ownership of the sewage pumpout or sewage dump station in publicly owned marinas will be held by the public entity.

(iv) Operation, normal and expected maintenance, and ongoing utility costs will be the responsibility of the marina or boat launch operator. The sewage pumpout or sewage dump

station must be kept in operating condition and available for public use at all times during operating hours of the facility, excluding necessary maintenance periods.

(v) The marina owner agrees to allow the installation, existence and use of the sewage pumpout or sewage dump station by granting an easement at no cost for such purposes.

(b) Contracts awarded pursuant to (a) of this subsection shall be subject, for a period of at least ten years, to the following conditions:

(i) Any facility entering into a contract under this section must allow the boating public access to the sewage pumpout or sewage dump station during operating hours.

(ii) The applicant must agree to monitor and encourage the use of the sewage pumpout or sewage dump station, and to cooperate in any related boater environmental education program administered or approved by the commission.

(iii) The applicant must agree not to charge a fee for the use of the sewage pumpout or sewage dump station.

(iv) The applicant must agree to arrange and pay a reasonable fee for a periodic inspection of the sewage pumpout facility by the local health department or appropriate authority.

(v) Use of a free sewage pumpout or sewage dump station by the boating public shall be deemed to be included in the term 'outdoor recreation' for the purposes of chapter 4.24 RCW.

NEW SECTION. Sec. 6. The department of ecology, in consultation with the commission, shall develop criteria for the design, installation, and operation of sewage pumpout and sewage dump stations, taking into consideration the ease of access to the station by the boating public. The department of ecology may adopt rules to administer the provisions of this section.

NEW SECTION. Sec. 7. The commission shall undertake a state-wide boater environmental education program concerning the effects of boat wastes. The boater environmental education program shall provide informational materials on proper boat waste disposal methods, environmentally safe boat maintenance practices, locations of sewage pumpout and sewage dump stations, and boat oil recycling facilities.

NEW SECTION. Sec. 8. The commission shall award grants to local government entities for boater environmental education or boat waste management planning. Grants shall be allocated according to criteria developed by the commission.

NEW SECTION. Sec. 9. The commission shall, in consultation with interested parties, review progress on installation of sewage pumpout and sewage dump stations, the boater environmental education program, and the boating safety program. The commission shall report its findings to the legislature by December 1994.

NEW SECTION. Sec. 10. There is established the boater recreation financing program. Any amounts that the legislature chooses to appropriate to this program shall be expended in accordance with section 11 of this act.

NEW SECTION. Sec. 11. Any amounts appropriated to the boater recreation financing program shall be expended in accordance with the following limitations:

(1) Thirty percent to the interagency committee for outdoor recreation to be expended for use by state and local government for public recreational waterway boater access and boater destination sites. Priority shall be given to critical site acquisition. The interagency committee for outdoor recreation shall administer such funds as a competitive grants program. The amounts provided for in this subsection shall be evenly divided between state and local governments.

(2) Thirty percent of the funds shall be expended by the commission exclusively for sewage pumpout or sewage dump stations at publicly and privately owned marinas as provided for in sections 4 and 5 of this act.

(3) Twenty-five percent of the funds shall be expended for grants to state agencies and other public entities to enforce boating safety and registration laws and to carry out boating safety programs. The commission shall administer such grant program.

(4) Fifteen percent shall be expended for instructional materials, programs or grants to the public school system, public entities, or other nonprofit community organizations to support boating safety and boater environmental education or boat waste management planning. The commission shall administer this program.

Sec. 12. Section 17, chapter 7, Laws of 1983 and RCW 88.02.040 are each amended to read as follows:

The department shall provide for the issuance of vessel registrations and may appoint agents for collecting fees and issuing registration numbers and decals. Fees for vessel registrations collected by the director shall be deposited in the general fund: PROVIDED, That any amount above one million one hundred thousand dollars per fiscal year shall be allocated to counties by the state treasurer for boating safety/education and law enforcement programs. Eligibility for such allocation shall be contingent upon approval of the local boating safety program by the state parks and recreation commission. Fund allocation shall be based on the numbers of registered vessels by county of moorage. Each benefiting county shall be responsible for equitable distribution of such allocation to other jurisdictions with approved boating safety programs within said county. Any fees not allocated to counties due to the absence of an

approved boating safety program, shall be allocated to the state parks and recreation commission for awards to local governments to offset law enforcement and boating safety impacts of boaters recreating in jurisdictions other than where registered.

Sec. 13. Section 18, chapter 7, Laws of 1983 as amended by section 45, chapter 3, Laws of 1983 2nd ex. sess. and RCW 88.02.050 are each amended to read as follows:

Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of six dollars per year and the excise tax imposed under chapter 82.49 RCW. Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the six-dollar annual registration fee.

Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefor, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee and excise tax. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar which shall be deposited with the state treasurer and credited to the general fund to defray the cost of administration.

Sec. 14. Section 19, chapter 7, Laws of 1983 as amended by section 1, chapter 149, Laws of 1987 and RCW 88.02.060 are each amended to read as follows:

(1) Each vessel dealer in this state shall register with the department in the manner and upon forms prescribed by the department, in accordance with rules adopted under chapter ~~((34.04))~~ 34.05 RCW. After the completed vessel dealer application has been satisfactorily filed and the applicant is eligible as determined by the department's rules, the department shall, if no denial proceeding is in effect, issue the vessel dealer's registration on the basis of staggered annual expiration dates.

(2) Before issuing a vessel dealer's registration, the department shall require the applicant to file with the department a surety bond in the amount of five thousand dollars, running to the state of Washington, and executed by a surety company authorized to do business in the state of Washington. The bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter. Any vessel signor or purchaser who has suffered any loss or damage by reason of any act or omission by a dealer that constitutes a violation of this chapter may institute an action for recovery against the dealer and the surety upon the bond. Successive recoveries against the bond shall be permitted, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. Upon exhaustion of the penalty of the bond or cancellation of the bond by the surety, the vessel dealer registration shall automatically be deemed canceled.

(3) Vessel dealers selling fifteen vessels or fewer per year having a retail value of no more than two thousand dollars each shall not be subject to the provisions of subsection (2).

(4) For the fiscal biennium from July 1, 1987, through June 30, 1989, the registration fee for dealers shall be fifty dollars per year for an original registration, and twenty-five dollars for any subsequent renewal. In addition, a fee of twenty-five dollars shall be collected for the first decal, fifteen dollars for each additional decal, and fifteen dollars for each vessel dealer display decal replacement. In ensuing biennia, the director shall establish the amount of such fees at a sufficient level to defray the costs of administering the vessel dealer registration program. All such fees shall be fixed by rule adopted by the director in accordance with the Administrative Procedure Act, chapter ~~((34.04))~~ 34.05 RCW. All fees collected under this section shall be deposited with the state treasurer and credited to the general fund to defray the cost of administration of the vessel dealer registration program.

Sec. 15. Section 46, chapter 3, Laws of 1983 2nd ex. sess. as amended by section 4, chapter 258, Laws of 1985 and RCW 88.02.070 are each amended to read as follows:

(1) The department shall provide for the issuance of vessel certificates of title. Applications for certificates may be made through the agents appointed under RCW 88.02.040. The fee for a vessel certificate of title is five dollars. Fees for vessel certificates of title shall be deposited ~~((tm))~~ with the state treasurer and credited to the general fund to defray the cost of administration of

this section. Security interests in vessels subject to the requirements of this chapter and attaching after July 1, 1983, shall be perfected only by indication upon the vessel's title certificate. The provisions of chapters 46.12 and 46.16 RCW relating to motor vehicle certificates of registration, titles, certificate issuance, ownership transfer, and perfection of security interests, and other provisions which may be applied to vessels subject to this chapter, may be so applied by rule of the department if they are not inconsistent with this chapter.

(2) Whenever a vessel is to be registered for the first time as required by this chapter, except for a vessel having a valid marine document as a vessel of the United States, application shall be made at the same time for a certificate of title. Any person who purchases or otherwise obtains majority ownership of any vessel subject to the provisions of this chapter, except for a vessel having a valid marine document as a vessel of the United States, shall within fifteen days thereof apply for a new certificate of title which shows the vessel's change of ownership.

(3) Security interests may be released or acted upon as provided by the law under which they arose or were perfected. No new security interest or renewal or extension of an existing security interest is affected except as provided under the terms of this chapter and RCW 46.12.095.

(4) Notice shall be given to the issuing authority by the owner indicated on the certificate of registration within fifteen days of the occurrence of any of the following: Transfer of any part or all of the ownership of a vessel registered under this chapter; any change of address of owner; destruction, loss, abandonment, theft, or recovery of the vessel; or loss or destruction of a valid certificate of registration on the vessel.

Sec. 16. Section 16, chapter 7, Laws of 1983 as last amended by section 1, chapter 452, Laws of 1985 and RCW 88.02.030 are each amended to read as follows:

Vessel registration is required under this chapter except for the following:

- (1) Military or public vessels of the United States, except recreational-type public vessels;
- (2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;
- (3) Vessels owned by a resident of a country other than the United States if the vessel is not physically located upon the waters of this state for a period of more than sixty days;
- (4) Vessels owned by a resident of another state if the vessel is registered in accordance with the laws of the state in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for vessels registered in this state: PROVIDED, That any vessel which is validly registered in another state and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;
- (5) Vessels used as a ship's lifeboat;
- (6) Vessels equipped with propulsion machinery of less than ten horse power that:
 - (a) Are owned by the owner of a vessel for which a valid vessel number has been issued;
 - (b) Display the number of that numbered vessel followed by the suffix '1' in the manner prescribed by the department; and
 - (c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;
- (7) Vessels under sixteen feet in overall length which have no propulsion machinery of any type (or which are not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States and are powered by propulsion machinery of ten or less horsepower);
- (8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;
- (9) Vessels which are temporarily in this state undergoing repair or alteration;
- (10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States. Commercial vessels which the department of revenue determines have the external appearance of vessels which would otherwise be required to register under this chapter, must display decals issued annually by the department of revenue that indicate the vessel's exempt status; and
- (11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States.

NEW SECTION. Sec. 17. The commission shall adopt rules as are necessary to carry out all sections of this act except for sections 6, 10, 11(1), and 13 through 16 of this act. The commission shall comply with all applicable provisions of chapter 34.05 RCW in adopting the rules.

NEW SECTION. Sec. 18. The interagency committee for outdoor recreation shall adopt rules as are necessary to carry out section 11(1) of this act. The interagency committee for outdoor recreation shall comply with all applicable provisions of chapter 34.05 RCW in adopting the rules.

NEW SECTION. Sec. 19. By January 1, 1991, the commission shall issue a report to the appropriate committees of the house and senate showing how funds have been allocated under this section and the extent to which the allocations have resulted in additional vessel registrations and increased watercraft excise tax revenues.

NEW SECTION. Sec. 20. Sections 1 through 11 of this act shall constitute a new chapter in Title 88 RCW."

On page 1, line 1 of the title, after "boating;" strike the remainder of the title and insert "amending RCW 88.02.040, 88.02.050, 88.02.060, 88.02.070, and 88.02.030; creating a new chapter in Title 88 RCW; and creating new sections."

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Belcher, Bowman, Braddock, Brekke, Brough, Dorn, Ebersole, Ferguson, Hine, May, McLean, Rust, Sayan, Spanel, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; and Padden.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Doty, Holland and Nealey.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1663 Prime Sponsor, Representative Nutley: Enacting the farmworker housing act. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Housing as amended by Committee on Revenue be substituted therefor and the substitute bill as amended do pass. (For committee amendments, see Journal, 54th Day, March 3, 1989.) Signed by Representatives Locke, Chair; Grant, Vice Chair; Silver, Ranking Republican Member; Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Ebersole, Hine, McLean, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Voting nay: Representative Ferguson.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Doty, Holland, May and Nealey.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1671 Prime Sponsor, Representative Sprenkle: Providing major solid waste reform. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environmental Affairs be substituted therefor and the substitute bill do pass with the following amendments by Committee on Appropriations:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 134, Laws of 1969 ex. sess. as last amended by section 1, chapter 345, Laws of 1985 and RCW 70.95.010 are each amended to read as follows:

The legislature finds:

(1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this state, the rising affluence of its citizens, and its expanding industrial activity have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, and industrial activities.

(2) Traditional methods of disposing of solid wastes in this state are no longer adequate to meet the ever-increasing problem. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources, blight our countryside, adversely affect land values, and damage the overall quality of our environment.

(3) Considerations of natural resource limitations, energy shortages, economics and the environment make necessary the development and implementation of solid waste recovery and/or recycling plans and programs.

(4) ~~(The following priorities in the management of solid waste are necessary and should be followed in order of descending priority as applicable:~~

~~(a) Waste reduction;~~

~~(b) Waste recycling;~~

~~(c) Energy recovery or incineration; and~~

~~(d) Landfill;~~

(5) Waste reduction must become a fundamental element of solid waste management. It is therefore necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility.

(5) Source separation of waste must become a fundamental element of solid waste management. Collection and handling strategies should have, as an ultimate goal, the source separation of all materials with resource value or environmental hazard.

(6) (a) It is the responsibility of every person to minimize his or her production of wastes and to separate recyclable or hazardous materials from mixed waste.

(b) It is the responsibility of state, county, and city governments to provide for a waste management infrastructure to fully implement waste reduction and source separation strategies and to process and dispose of remaining wastes in accordance with strict environmental safeguards. It is further the responsibility of state, county, and city governments to monitor the cost-effectiveness and environmental safety of combusting separated waste, processing of mixed waste, and recycling programs.

(c) It is the responsibility of county and city governments to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies.

(d) It is the responsibility of state government to ensure that local governments are providing adequate source reduction and separation opportunities and encouragements to all, including persons in both rural and urban areas, and nonresidential waste generators such as commercial, industrial, and institutional entities; and to provide county and city governments with adequate technical resources to accomplish this responsibility. It is further the responsibility of state government to develop and enhance markets for recyclable materials.

(7) After the fundamental waste management strategies of waste reduction and source separation, the following priorities in the management of solid waste are necessary and should be followed in descending order as applicable:

(a) Recycling;

(b) Processing mixed waste;

(c) Incinerating separated waste; and

(d) Incinerating or landfilling mixed waste.

(8) It is the state's goal to achieve a fifty percent waste reduction and recycling rate by 1995.

(9) Steps should be taken to make recycling at least as affordable and convenient as mixed waste disposal.

(10) It is necessary to compile and maintain adequate data on the types and quantities of solid waste that are being generated and to monitor how the various types of solid waste are being managed.

(11) Vehicle batteries should be recycled and the disposal of vehicle batteries into a landfill or incineration system should be discouraged.

(12) Excessive and nonrecyclable packaging of products should be avoided.

(13) Comprehensive education should be conducted throughout the state so that citizens of all ages are informed of the need to reduce, source separate, and recycle solid waste.

(14) All government entities in the state should set an example for the citizens of the state by implementing aggressive waste reduction and recycling programs at their workplaces and by purchasing products that are made from recycled materials and are recyclable.

(15) To ensure the safe and efficient operations of solid waste disposal facilities, it is necessary for operators and regulators of landfills and incinerators to receive training and certification.

(16) It is necessary to provide adequate funding to all levels of government so that successful waste reduction and recycling programs can be implemented.

(17) There is an imperative need to anticipate, plan for, and accomplish effective storage, control, recovery, and recycling of discarded ((vehicle)) tires and other problem wastes with the subsequent conservation of resources and energy.

Sec. 2, Section 3, chapter 134, Laws of 1969 ex. sess. as last amended by section 3, chapter 345, Laws of 1985 and RCW 70.95.030 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) 'City' means every incorporated city and town.

(2) 'Committee' means the solid waste advisory committee.

(3) 'Department' means the department of ecology.

(4) 'Director' means the director of the department of ecology.

(5) 'Disposal site' means the location where any final treatment, utilization, processing, or depository of solid waste occurs.

(6) 'Functional standards' means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

(7) 'Jurisdictional health department' means city, county, city-county, or district public health department.

(8) 'Person' means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(9) 'Recyclable materials' means those solid wastes that can be diverted for recycling or reuse which otherwise would be disposed of through landfilling or incineration.

(10) 'Solid waste' means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and ~~((discarded commodities))~~ recyclable materials.

~~((+10))~~ (11) 'Solid waste handling' means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such solid wastes or the conversion of the energy in such solid wastes to more useful forms or combinations thereof.

~~((+11))~~ (12) 'Source separation' means the separation of different kinds of solid waste at the place where the waste is created.

(13) 'Waste reduction' means reducing the amount or type of waste generated or reusing materials.

~~((+12))~~ (14) 'Recycling' means ~~((reusing waste materials and extracting valuable materials from a waste stream))~~ transforming waste materials into usable materials for use other than landfill disposal or incineration.

~~((+13))~~ (15) 'Energy recovery or incineration' means reducing the volume of wastes by use of an enclosed device using controlled flame combustion.

~~((+14))~~ (16) 'Landfill' means a disposal facility or part of a facility at which solid waste is placed in, on or land and which is not a land treatment facility.

~~((+15))~~ (17) 'Vehicle' includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(18) 'Mixed waste processing' means separating solid waste at a facility for the purpose of extracting material for recycling, composting, or incineration.

Sec. 3. Section 10, chapter 134, Laws of 1969 ex. sess. as amended by section 6, chapter 123, Laws of 1984 and RCW 70.95.100 are each amended to read as follows:

(1) The department shall provide to counties and cities technical assistance including, but not limited to, planning guidelines, in the preparation, review, and revision of solid waste management plans required by this chapter. Each comprehensive county or city solid waste management plan shall be submitted to the department for technical review and approval. If the department does not disapprove of any plan within ninety days of the date of its submittal to the department, the plan shall be deemed approved. The department shall approve each plan unless the department makes specific findings supporting a disapproval. If it disapproves, the department ((may)) shall recommend revisions ((essential to the achievement of effective solid waste management and)) it considers necessary to achieve the purposes of this chapter. Guidelines prepared under this section shall be consistent with the provisions of this chapter and the state solid waste management plan prepared pursuant to RCW 70.95.260.

(2) Counties and cities may submit draft plans to the department for technical review prior to the county or city adoption of the plan.

(3) If the department disapproves a plan, the submitting entity may appeal the decision under chapter 34.05 RCW. The hearing shall be conducted by an administrative law judge. This same approval and appeal process shall apply to an examination of specific findings, actions, and revisions which resulted in a disapproval under subsection (1) of this section.

Sec. 4. Section 11, chapter 134, Laws of 1969 ex. sess. as amended by section 7, chapter 123, Laws of 1984 and RCW 70.95.110 are each amended to read as follows:

(1) The comprehensive county solid waste management plans and any comprehensive city solid waste management plans prepared in accordance with RCW 70.95.080 shall be maintained in a current condition and reviewed and revised periodically by counties and cities as may be required by the department. Upon each review such plans shall be extended to show long-range needs for solid waste handling facilities for twenty years in the future, and a revised construction and capital acquisition program for six years in the future. Each revised solid waste management plan shall be submitted to the department.

Each plan shall be reviewed and revised within five years of ~~((June 7))~~ July 1, 1984, and thereafter shall be reviewed, and revised if necessary, at least once every five years.

(2) Cities and counties preparing solid waste management plans shall submit the waste reduction and recycling element required in RCW 70.95.090 to the department no later than:

(a) July 1, 1991, for class one areas;

(b) July 1, 1992, for class two areas; and

(c) July 1, 1994, for class one, two, and three areas.

(3) The waste reduction and recycling element of each local comprehensive solid waste management plan shall assign levels of recycling services to the classes of areas defined as follows:

(a) Class one areas are the counties of Spokane, Snohomish, King, Pierce, Thurston, and Kitsap and all the cities therein.

(b) Class two areas are all other counties located west of the crest of the Cascade mountains and all the cities therein.

(c) Class three areas are the counties east of the crest of the Cascade mountains and all the cities therein, except for Spokane county.

(4) Cities and counties shall begin implementing the programs to collect source-separated materials no later than one year following the adoption and approval of the plan revisions and these programs shall be fully implemented within two years of approval.

NEW SECTION, Sec. 5. A new section is added to chapter 70.95 RCW to read as follows:

Levels of service shall be defined in the waste reduction and recycling element of each local comprehensive solid waste management plan and shall include the services set forth in RCW 70.95.090. In determining which service level is provided to residential and nonresidential waste generators in each community, counties and cities shall develop clear criteria for designating areas as urban or rural. In designating urban areas, local governments shall consider the following parameters:

(a) Any city having a population of at least seventeen thousand five hundred;

(b) Any area of the state that comprises contiguous incorporated and unincorporated areas that have a combined population of at least fifty thousand;

(c) Any area with a population density of one thousand persons per square mile; and

(d) Any technical documents, including but not limited to local land use plans.

Sec. 6, Section 9, chapter 134, Laws of 1969 ex. sess. as last amended by section 5, chapter 123, Laws of 1984 and RCW 70.95.090 are each amended to read as follows:

Each county and city comprehensive solid waste management plan shall include the following:

(1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.

(2) The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

(3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

(a) Meet the minimum functional standards for solid waste handling adopted by the department and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;

(b) Take into account the comprehensive land use plan of each jurisdiction;

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(4) A program for surveillance and control.

(5) A current inventory and description of solid waste collection needs and operations within each respective jurisdiction which shall include:

(a) Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his place of business and the area covered by his operation;

(b) Any city solid waste operation within the county and the boundaries of such operation;

(c) The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

(d) The projected solid waste collection needs for the respective jurisdictions for the next six years.

(6) A comprehensive waste reduction and recycling element that, in accordance with the priorities established in RCW 70.95.010, provides implementation strategies for programs that (a) reduce the amount of waste generated, (b) provide incentives and mechanisms for source separation, and (c) establish recycling opportunities for the source separated waste. The waste reduction and recycling element shall include the following:

(i) Waste reduction strategies;

(ii) Source separation strategies, including:

(A) Programs for the collection of source separated materials for both residential and non-residential waste in urban and rural areas. In urban areas, these programs shall include collection of source-separated recyclable materials from residential dwellings unless the plan demonstrates that the same or greater recovery rate and a reasonable level of public participation can be achieved by an alternative method of collection. In rural areas, these programs shall include drop-off or buy-back centers, or both, located at each solid waste processing or disposal site or at a location at least as convenient.

(B) Programs to collect source separated waste at nonresidential sites.

(C) Programs to collect yard waste, if the local government submitting the plan finds that composted yard waste has adequate markets or capacity within or near the service area to consume the majority of the material collected.

(D) Programs to educate citizens and promote the concept of recycling.

(iii) Recycling strategies, including a description of markets for recyclables, a review of waste generation trends, a description of waste composition, a discussion and description of existing programs and any additional programs needed to assist public and private sector recycling, and an implementation schedule for the designation of specific materials to be collected for recycling, and for the provision of recycling collection services.

(iv) Other information the county or city submitting the plan determines is necessary.

(7) An assessment of the plan's impact on the costs of solid waste collection. The assessment shall be prepared in conformance with guidelines established by the utilities and transportation commission. The commission shall cooperate with the Washington state association of counties and the association of Washington cities in establishing such guidelines.

(8) A review of potential areas that meet the criteria as outlined in RCW 70.95.165.

Sec. 7, Section 16, chapter 134, Laws of 1969 ex. sess. as amended by section 29, chapter 127, Laws of 1988 and RCW 70.95.160 are each amended to read as follows:

Each county, or any city, or jurisdictional board of health shall adopt regulations or ordinances governing solid waste handling implementing the comprehensive solid waste management plan covering storage, collection, transportation, treatment, utilization, processing and final disposal including but not limited to the issuance of permits and the establishment of minimum levels and types of service for any aspect of solid waste handling. County regulations or ordinances adopted regarding levels and types of service shall not apply within the limits of any city where the city has by local ordinance or regulation determined that the county shall not exercise such powers within the corporate limits of the city. Such regulations or ordinances shall assure that solid waste storage and disposal facilities are located, maintained, and operated in a manner so as properly to protect the public health, prevent air and water pollution, implement the priorities established in RCW 70.95.010, and avoid the creation of nuisances. Such regulations or ordinances may be more stringent than the minimum functional standards adopted by the department. Regulations or ordinances adopted by counties, cities, or jurisdictional boards of health shall be filed with the department.

NEW SECTION. Sec. 8. A new section is added to chapter 70.95 RCW to read as follows:

Upon receipt, the department shall immediately provide the utilities and transportation commission with a copy of each local comprehensive solid waste management plan. Within forty-five days after receiving a plan, the commission shall have reviewed the plan's assessment of solid waste collection cost impacts on rates charged by solid waste collection companies regulated under chapter 81.77 RCW and shall advise the county or city submitting the plan and the department of the probable effect of the plan's recommendations on those rates.

Sec. 9, Section 2, chapter 295, Laws of 1961 and RCW 81.77.010 are each amended to read as follows:

As used in this chapter:

(1) 'Motor vehicle' means any truck, trailer, semitrailer, tractor or any self-propelled or motor driven vehicle used upon any public highway of this state for the purpose of transporting ((garbage and refuse)) solid waste, for the collection and/or disposal thereof;

(2) 'Public highway' means every street, road, or highway in this state;

(3) 'Common carrier' means any person who undertakes to transport ((garbage and refuse)) solid waste, for the collection and/or disposal thereof, by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules;

(4) 'Contract carrier' means all garbage and refuse transporters not included under the terms 'common carrier' and 'private carrier,' as herein defined, and further, shall include any person who under special and individual contracts or agreements transports ((garbage and refuse)) solid waste by motor vehicle for compensation;

(5) 'Private carrier' means a person who, in his own vehicle, transports ((garbage or refuse)) solid waste purely as an incidental adjunct to some other established private business owned or operated by him in good faith;

(6) 'Vehicle' means every device capable of being moved upon a public highway and in, upon, or by which any ((garbage or refuse)) solid waste is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rail or tracks;

(7) '((Garbage and refuse)) Solid waste collection company' means every person or his lessees, receivers, or trustees, owning, controlling, operating or managing vehicles used in the business of transporting ((garbage and refuse)) solid waste for collection and/or disposal for compensation, except septic tank pumpers, over any public highway in this state whether as a 'common carrier' thereof or as a 'contract carrier' thereof;

(8) 'Solid waste' means the same as defined under RCW 70.95.030, except solid waste shall not include recyclable materials;

(9) 'Recyclable materials' means the same as defined under RCW 70.95.030; and

(10) 'Recyclable materials collection company' means every person or his lessees, receivers, or trustees, owning, controlling, operating, or managing vehicles used in the business of collecting and transporting recyclable materials from residences and other locations for compensation over any public highway in this state whether as a 'common carrier' thereof or as a 'contract carrier' thereof, but shall not include collecting and transporting recyclable materials

from a recycling buy-back center, drop-box, or other such collection point, nor the transportation of recyclable materials by, or on behalf of, a commercial or industrial generator of commercial recyclable material to a recycler for reuse or reclamation.

Sec. 10. Section 3, chapter 295, Laws of 1961 and RCW 81.77.020 are each amended to read as follows:

No person, his lessees, receivers, or trustees, shall engage in the business of operating as a ~~((garbage and refuse))~~ solid waste collection company in this state, except in accordance with the provisions of this chapter: PROVIDED, That the provisions of this chapter shall not apply to the operations of any ~~((garbage and refuse))~~ solid waste collection company under a contract of ~~((garbage or refuse))~~ solid waste disposal with any city or town, nor to any city or town which itself undertakes the disposal of ~~((garbage or refuse))~~ solid waste.

NEW SECTION, Sec. 11. A new section is added to chapter 81.77 RCW to read as follows:

No person, his lessees, receivers, or trustees, shall engage in the business of operating as a recyclable materials collection company in this state, except in accordance with the provisions of chapter 81.77 RCW: PROVIDED, That the provisions of chapter 81.77 RCW shall not apply to the operations of any recyclable materials collection company under a contract with any county, city, or town, nor to any city or town which itself undertakes the collection and transportation of recyclable materials.

Sec. 12. Section 4, chapter 295, Laws of 1961 as last amended by section 1, chapter 239, Laws of 1987 and RCW 81.77.030 are each amended to read as follows:

The commission shall supervise and regulate every ~~((garbage and refuse))~~ solid waste collection company and recyclable materials collection company in this state,

- (1) By fixing and altering its rates, charges, classifications, rules and regulations;
- (2) By regulating the accounts, service, and safety of operations;
- (3) By requiring the filing of annual and other reports and data;
- (4) By supervising and regulating such persons or companies in all other matters affecting the relationship between them and the public which they serve;

(5) By ~~((reviewing))~~ requiring compliance with local solid waste management plans ~~((through letters of compliance submitted by the county legislative authority. The compliance letters shall become part of the record in any rate, compliance, or any hearing held by the commission on the issuance, revocation, or reissuance of a certificate as provided for in RCW 81-77-070))~~ and related implementation ordinances;

(6) By requiring certificate holders under chapter 81.77 RCW to use rate structures and billing systems consistent with the solid waste management priorities set forth under RCW 70.95.010 and the minimum levels of solid waste collection and recycling services pursuant to local comprehensive solid waste management plans, including but not limited to consolidated billing if more than one certificate is granted.

The commission, on complaint made on its own motion or by an aggrieved party, at any time, after the holding of a hearing of which the holder of any certificate has had notice and an opportunity to be heard, and at which it shall be proven that the holder has wilfully violated or refused to observe any of the commission's orders, rules, or regulations, or has failed to operate as a ~~((garbage and refuse))~~ solid waste collection company or recyclable materials collection company for a period of at least one year preceding the filing of the complaint, may suspend, revoke, alter, or amend any certificate issued under the provisions of this chapter.

Sec. 13. Section 5, chapter 295, Laws of 1961 as amended by section 2, chapter 239, Laws of 1987 and RCW 81.77.040 are each amended to read as follows:

No ~~((garbage and refuse))~~ solid waste collection company shall hereafter operate for the hauling of ~~((garbage and refuse))~~ solid waste for compensation without first having obtained from the commission a certificate declaring that public convenience and necessity require such operation. A condition of operating a ~~((garbage and refuse))~~ solid waste company in the unincorporated areas of a county shall be complying with the solid waste management plan prepared under chapter 70.95 RCW applicable in the company's franchise area.

Issuance of the certificate of necessity shall be determined upon, but not limited to, the following factors: The present service and the cost thereof for the contemplated area to be served; an estimate of the cost of the facilities to be utilized in the plant for ~~((garbage and refuse))~~ solid waste collection and disposal, sworn to before a notary public; a statement of the assets on hand of the person, firm, association or corporation which will be expended on the purported plant for ~~((garbage and refuse))~~ solid waste collection and disposal, sworn to before a notary public; a statement of prior experience, if any, in such field by the petitioner, sworn to before a notary public; and sentiment in the community contemplated to be served as to the necessity for such a service.

When an applicant requests a certificate to operate in a territory already served by a certificate holder under this chapter, the commission may, after hearing, issue the certificate only if the existing ~~((garbage and refuse))~~ solid waste collection company or companies serving the territory will not provide service to the satisfaction of the commission.

In all other cases, the commission may, with or without hearing, issue certificates, or for good cause shown refuse to issue them, or issue them for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted such terms and conditions as, in its judgment, the public convenience and necessity may require.

Any right, privilege, certificate held, owned, or obtained by a ~~((garbage and refuse))~~ solid waste collection company may be sold, assigned, leased, transferred, or inherited as other property, but only upon authorization by the commission.

Any ~~((garbage and refuse))~~ solid waste collection company which upon July 1, 1961 is operating under authority of a common carrier or contract carrier permit issued under the provisions of chapter 81.80 RCW shall be granted a certificate of necessity without hearing upon compliance with the provisions of this chapter. Such ~~((garbage and refuse))~~ solid waste collection company which has paid the plate fee and gross weight fees required by chapter 81.80 RCW for the year 1961 shall not be required to pay additional like fees under the provisions of this chapter for the remainder of such year.

NEW SECTION. Sec. 14. A new section is added to chapter 81.77 RCW to read as follows:

Notwithstanding any other provisions of chapter 81.77 RCW, the commission may issue certificates to recyclable materials collection companies upon a showing that the applicant is fit, willing, and able, that the applicant's proposed operations are consistent with the applicable local comprehensive solid waste management plan, and that the applicant meets all commission safety and insurance requirements.

Sec. 15. Section 6, chapter 295, Laws of 1961 as amended by section 9, chapter 115, Laws of 1973 and RCW 81.77.050 are each amended to read as follows:

Any application for a certificate ~~((of public convenience and necessity))~~ issued under this chapter or amendment thereof, or application to sell, lease, mortgage, or transfer a certificate ~~((of public convenience and necessity))~~ issued under this chapter or any interest therein, shall be accompanied by such filing fee as the commission may prescribe by rule: PROVIDED, That such fee shall not exceed two hundred dollars.

Sec. 16. Section 7, chapter 295, Laws of 1961 and RCW 81.77.060 are each amended to read as follows:

The commission, in granting certificates to operate a ~~((garbage and refuse))~~ solid waste collection company or recyclable materials collection company, shall require the owner or operator to first procure liability and property damage insurance from a company licensed to make liability insurance in the state or a surety bond of a company licensed to write surety bonds in the state, on each motor propelled vehicle used or to be used in transporting ~~((garbage or refuse))~~ solid waste or recyclable materials for compensation in the amount of not less than twenty-five thousand dollars for any recovery for personal injury by one person, and not less than ten thousand dollars and in such additional amount as the commission shall determine, for all persons receiving personal injury by reason of one act of negligence, and not less than ten thousand dollars for damage to property of any person other than the assured, and to maintain such liability and property damage insurance or surety bond in force on each motor propelled vehicle while so used. Each policy for liability or property damage insurance or surety bond required herein shall be filed with the commission and kept in full force and effect and failure so to do shall be cause for revocation of the delinquent's certificate.

Sec. 17. Section 9, chapter 295, Laws of 1961 as last amended by section 3, chapter 143, Laws of 1971 ex. sess. and RCW 81.77.080 are each amended to read as follows:

Every ~~((garbage and refuse))~~ solid waste collection company or recyclable materials collection company shall, on or before the 1st day of April of each year, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee equal to ~~((eight-tenths of))~~ one percent of the amount of gross operating revenue: PROVIDED, That the fee shall in no case be less than one dollar.

It is the intent of the legislature that the fees collected under the provisions of this chapter shall reasonably approximate the cost of supervising and regulating motor carriers subject thereto, and to that end the utilities and transportation commission is authorized to decrease the schedule of fees provided in this section by general order entered before March 1st of any year in which it determines that the moneys then in the ~~((garbage and refuse))~~ solid waste collection companies account or recyclable materials collection companies account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating such carriers. The recyclable materials collection companies account is created in the public service revolving fund.

All fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be by it transmitted to the state treasurer within thirty days to be deposited to the credit of the public service revolving fund.

Sec. 18. Section 11, chapter 295, Laws of 1961 as amended by section 2, chapter 436, Laws of 1985 and RCW 81.77.100 are each amended to read as follows:

Neither this chapter nor any provision thereof shall apply, or be construed to apply, to commerce with foreign nations or commerce among the several states except insofar as the

same may be permitted under the provisions of the Constitution of the United States and the acts of congress.

However, in order to protect public health and safety and to ensure ~~((garbage and refuse))~~ solid waste collection services and recyclable materials collection services are provided to all areas of the state, the commission, in accordance with this chapter, shall regulate all ~~((garbage or refuse))~~ solid waste collection companies and recyclable materials collection companies conducting business in the state.

Sec. 19. Section 2, chapter 105, Laws of 1965 ex. sess. and RCW 81.77.110 are each amended to read as follows:

The commission may with or without a hearing issue temporary certificates to engage in the business of operating a ~~((garbage and refuse))~~ solid waste collection company or recyclable materials collection company, but only after it finds that the issuance of such temporary certificate is consistent with the public interest. Such temporary certificate may be issued for a period up to one hundred eighty days where the area or territory covered thereby is not contained in the certificate of any other ~~((garbage and refuse))~~ solid waste collection company or recyclable materials collection company. In all other cases such temporary certificate may be issued for a period not to exceed one hundred twenty days. The commission may prescribe such special rules and regulations and impose such special terms and conditions with reference thereto as in its judgment are reasonable and necessary in carrying out the provisions of this chapter. The commission shall collect a fee of twenty-five dollars for an application for such temporary certificate.

NEW SECTION, Sec. 20. A new section is added to chapter 81.77 RCW to read as follows:

To assist in implementing a local comprehensive solid waste management plan, as defined in RCW 70.95.090, the commission may direct that a surcharge be incorporated in the rates of a solid waste collection company. The proceeds of the surcharge shall be used to fund all or part of the operations of the recyclable materials collection company or companies that are collecting recyclable materials in the same area as the solid waste collection company collects solid waste.

NEW SECTION, Sec. 21. A new section is added to chapter 81.77 RCW to read as follows:

For rate-making purposes, a fee, charge, or tax on the disposal of solid waste into a landfill shall be considered a normal operating expense of the solid waste collection company.

Sec. 22. Section 2, chapter 58, Laws of 1975-'76 2nd ex. sess. as amended by section 20, chapter 282, Laws of 1986 and RCW 36.58.040 are each amended to read as follows:

The legislative authority of each county may by ordinance provide for the establishment of a system of solid waste disposal for all the unincorporated areas of the county or for portions thereof. Each county may designate disposal sites for all solid waste collected in the unincorporated areas pursuant to the provisions of a comprehensive solid waste plan adopted pursuant to chapter 70.95 RCW: PROVIDED, That for any solid waste collected by a private hauler operating pursuant to a certificate granted by the Washington utilities and transportation commission under the provisions of chapter 81.77 RCW and which certificate is for collection in a geographic area lying in more than one county, such designation of disposal sites shall be pursuant to an interlocal agreement between the involved counties.

Such systems may also provide for the processing and conversion of solid wastes into other valuable or useful products with full jurisdiction and authority to construct, lease, purchase, acquire, manage, regulate, maintain, operate, and control such system and plants, and to enter into agreements with public or private parties providing for the construction, purchase, acquisition, lease, maintenance, and operation of systems and plants for the processing and conversion of solid wastes and for the sale of said products. Contracts shall be for facilities that are in substantial compliance with the solid waste management plans prepared pursuant to chapter 70.95 RCW.

The legislative authority of a county may award contracts for solid waste handling, and such contracts may provide that a county pay a minimum periodic fee in consideration of the operational availability of a solid waste handling system or plant, without regard to the ownership of the system or plant or the amount of solid waste actually handled during all or any part of the contractual period. There shall be included in the contract specific allocation of financial responsibility in cases where the amount of solid waste handled during the contract period falls below the minimum level provided in the contract.

The legislative authority of a county may by ordinance award contracts to a municipal entity or to a person holding a permit under section 11 of this act to collect recyclable materials within unincorporated areas, or notify the commission to carry out and implement the provisions of the waste reduction and recycling element of the comprehensive solid waste management plan under section 5 of this act and RCW 70.95.090. The legislative authority has full authority to manage, regulate, and fix the price of the recyclable material collection service. The contracts may provide that a county pay minimum periodic fees to a municipal entity or permit holder.

Nothing in this section shall be construed to authorize the operation of a solid waste collection system by counties.

Sec. 23. Section 35.21.120, chapter 7, Laws of 1965 as amended by section 18, chapter 282, Laws of 1986 and RCW 35.21.120 are each amended to read as follows:

Every city or town may by ordinance provide for the establishment of a system of ((garbage)) solid waste collection and disposal for the entire city or town or for portions thereof, and award contracts for ((garbage)) solid waste collection and disposal or provide for it under the direction of officials and employees of the city or town. Contracts for solid waste handling may provide that a city or town pay a minimum periodic fee in consideration of the operational availability of a solid waste handling system or plant, without regard to the ownership of the system or plant or the amount of solid waste actually handled during all or any part of the contract period. There shall be included in the contract specific allocation of financial responsibility in cases where the amount of solid waste handled during the contract period falls below the minimum level provided in the contract.

NEW SECTION. Sec. 24. A new section is added to chapter 36.58 RCW to read as follows:

The legislative authority of any county may impose upon a solid waste collection company operating within the unincorporated areas of the county, a fee for such operational expenses as may be incurred under the requirements in RCW 70.95.100. Such fee shall be considered a legitimate operating expense of the garbage and collection company for rate-making purposes.

NEW SECTION. Sec. 25. A new section is added to chapter 35.21 RCW to read as follows:

The legislative authority of any city or town may impose upon a solid waste collection company operating within the jurisdictional boundaries of a city or town, a fee for such operational expenses as may be incurred under the requirements in section 5 of this act and RCW 70.95.090. The fee shall be considered a legitimate operating expense of the solid waste collection company for rate-making purposes.

NEW SECTION. Sec. 26. A new section is added to chapter 70.95 RCW to read as follows:

Any jurisdictional health department and the department of ecology may enter into an agreement providing for the exercise by the department of ecology of any power that is specified in the contract and that is granted to the jurisdictional health department under this chapter. However, the jurisdictional health department shall have the approval of the legislative authority or authorities it serves before entering into any such agreement with the department of ecology.

NEW SECTION. Sec. 27. A new section is added to chapter 70.95 RCW to read as follows:

The institute for urban and local studies at Eastern Washington State University shall conduct a study of enforcement of solid waste management laws and regulations as a component of the 1990 state solid waste management plan. This study shall include, but shall not be limited to:

- (1) A review of current state and local solid waste rules, requirements, policies, and resources devoted to state and local solid waste enforcement, and of the effectiveness of these programs in promoting environmental health and public safety;
- (2) An examination of federal regulations and the latest proposed amendments to the Resource Conservation and Recovery Act, in subtitle D of the code of federal regulations;
- (3) A review of regulatory approaches used by other states;
- (4) A review and evaluation of educational and technical assistance programs related to enforcement;
- (5) An inventory of regulatory compliance for all processing and disposal facilities handling mixed solid waste;
- (6) A review of the role and effectiveness of other enforcement jurisdictions;
- (7) An evaluation of the need for redefining institutional roles and responsibilities for enforcement of solid waste management laws and regulations in order to establish public confidence in solid waste management systems and ensure public protection;
- (8) An evaluation of possible benefits in separating the solid waste planning and technical assistance responsibilities from the enforcement responsibilities within the department.

Sec. 28. Section 1, chapter 184, Laws of 1988 and RCW 70.95.280 are each amended to read as follows:

The department of ecology shall determine the best management practices for categories of solid waste in accordance with the priority solid waste management methods established in RCW 70.95.010. In order to make this determination, the department shall conduct a comprehensive solid waste stream analysis and evaluation. Following establishment of baseline data resulting from an initial in-depth analysis of the waste stream, the department shall develop a less intensive method of monitoring significant changes in the disposed waste stream including, but not limited to, changes in the amount of waste generated and waste type. The department shall also conduct monitoring of curbside collection programs, and of other waste segregation and disposal technologies in order to determine to the extent possible, the effectiveness of these programs, their applicability to other locations, and their implications regarding rules adopted under this chapter. Persons who collect solid waste shall annually report to the department the types and quantities of solid waste that are collected and diverted. The department shall adopt guidelines for reporting and for keeping proprietary information confidential.

NEW SECTION. Sec. 29. A new section is added to chapter 70.95 RCW to read as follows:

(1) No person may knowingly dispose of a vehicle battery except by delivery to: A person or entity selling lead acid batteries, a person or entity authorized by the department to accept the battery, or to a secondary lead smelter.

(2) No owner or operator of a solid waste disposal site shall knowingly accept for disposal used vehicle batteries except when authorized to do so by the department or by the federal government.

(3) Any person who violates this section shall be subject to a fine of up to one thousand dollars. Each battery will constitute a separate violation. Nothing in this section and sections 30 through 34 of this act shall supersede the provisions under chapter 70.105 RCW.

(4) For purposes of this section and sections 30 through 34 of this act, 'vehicle battery' means batteries capable for use in any vehicle, having a core consisting of elemental lead, and a capacity of six or more volts.

NEW SECTION. Sec. 30. A new section is added to chapter 70.95 RCW to read as follows:

The department shall establish a procedure to identify, on an annual basis, those persons accepting used vehicle batteries from retail establishments.

NEW SECTION. Sec. 31. A new section is added to chapter 70.95 RCW to read as follows:

A person selling vehicle batteries at retail in the state shall:

(1) Accept, at the time of purchase of a replacement battery, in the place where the new batteries are physically transferred to the purchasers, and in a quantity at least equal to the number of new batteries purchased, used vehicle batteries from the purchasers, if offered by the purchasers. When a purchaser fails to provide an equivalent used battery or batteries, the purchaser may reclaim the core charge paid under section 32 of this act by returning, to the point of purchase within thirty days, a used battery or batteries and a receipt showing proof of purchase from the establishment where the replacement battery or batteries was purchased; and

(2) Post written notice which must be at least eight and one-half inches by eleven inches in size and must contain the universal recycling symbol and the following language:

(a) 'It is illegal to put a motor vehicle battery or other vehicle battery in your garbage.'

(b) 'State law requires us to accept used motor vehicle batteries or other vehicle batteries for recycling, in exchange for new batteries purchased.'

(c) 'When you buy a battery, state law also requires us to include a core charge of five dollars if you do not return your old battery for exchange.'

NEW SECTION. Sec. 32. A new section is added to chapter 70.95 RCW to read as follows:

Each retail sale of a vehicle battery shall include, in the price of the battery for sale, a core charge of not less than five dollars. When a purchaser offers the seller a used battery of equivalent size, the seller shall omit the core charge from the price of the battery.

NEW SECTION. Sec. 33. A new section is added to chapter 70.95 RCW to read as follows:

(1) A person selling vehicle batteries at wholesale to a retail establishment in this state shall accept, at the time and place of transfer, used vehicle batteries in a quantity at least equal to the number of new batteries purchased, if offered by the purchaser.

(2) When a battery wholesaler, or agent of the wholesaler, fails to accept used vehicle batteries as provided in this section, a retailer may file a complaint with the department and the department shall investigate any such complaint.

(3)(a) The department shall issue an order suspending any of the provisions of sections 31 through 34 of this act whenever it finds that the market price of lead has fallen to the extent that new battery wholesalers' estimated state-wide average cost of transporting used batteries to a smelter or other person or entity in the business of purchasing used batteries is clearly greater than the market price paid for used lead batteries by such smelter or person or entity.

(b) The order of suspension shall only apply to batteries that are sold at retail during the period in which the suspension order is effective.

(c) The department shall limit its suspension order to a definite period not exceeding six months, but shall revoke the order prior to its expiration date should it find that the reasons for its issuance are no longer valid.

NEW SECTION. Sec. 34. A new section is added to chapter 70.95 RCW to read as follows:

The department shall produce, print, and distribute the notices required by section 31 of this act to all places where vehicle batteries are offered for sale at retail and in performing its duties under this section the department may inspect any place, building, or premise governed by section 31 of this act. Authorized employees of the agency may issue warnings and citations to persons who fail to comply with the requirements of sections 29 through 35 of this act. Failure to conform to the notice requirements of section 31 of this act shall subject the violator to a fine imposed by the department not to exceed one thousand dollars. However, no such fine shall be imposed unless the department has issued a warning for the violation. Each day that a violator does not comply with these requirements shall constitute a separate offense.

NEW SECTION. Sec. 35. A new section is added to chapter 70.95 RCW to read as follows:

The department shall adopt rules providing for the implementation and enforcement of sections 29 through 34 of this act.

NEW SECTION. Sec. 36. A new section is added to chapter 70.95 RCW to read as follows:

Incineration of medical waste shall be conducted under sufficient burning conditions to reduce all combustible material to a form such that no portion of the combustible material is visible in its uncombusted state.

NEW SECTION. Sec. 37. A new section is added to chapter 70.95 RCW to read as follows:

After the waste reduction and recycling element of a local comprehensive solid waste management plan is adopted by the county or city and approved by the department in accordance with RCW 70.95.100, an incinerator or energy resource recovery facility shall be permitted only if:

- (1) It is consistent with the adopted local comprehensive solid waste management plan; and
- (2) It is sized or utilizes a pricing structure or other contractual provisions so as to minimize potential disincentives to waste reduction and recycling levels which would otherwise be reasonably obtainable under the provision of the adopted local plan.

This section shall not apply to counties and cities that have entered into a contract to construct an incinerator on or before the effective date of this act. A waiver of the requirements of this section may be granted if the department finds that the proposed facility is consistent with the provisions of chapter 70.95 RCW.

Sec. 38. Section 1, chapter 67, Laws of 1987 and RCW 43.21A.520 are each amended to read as follows:

(1) The department of ecology shall develop and implement an environmental excellence awards program that recognizes products that are produced, labeled, or packaged in a manner that helps ensure environmental protection. The award shall be in recognition of products that are made from recycled materials, easy to recycle, substitute for more hazardous products, or otherwise help protect the environment. Application for the award shall be voluntary. The awards may be made in ((the following)) a variety of product categories including, but not limited to:

- (a) Paint products;
- (b) Cleaning ((agents)) products;
- (c) ((Pesticides)) Pest control products;
- (d) Automotive, marine, and related maintenance products; ((and))
- (e) Hobby and recreation products; and
- (f) Any other product available for retail or wholesale sale.

(2) The department shall appoint an environmental excellence product award advisory committee to develop and recommend criteria for awarding environmental excellence awards for products. The committee shall also review award applications and make recommendations to the department. The committee shall consist of twelve members, comprised of three product manufacturing or other business representatives, three environmental representatives, three labor or consumer representatives, and three independent technical experts.

(3) Products receiving an environmental excellence award pursuant to this section ((would)) shall be entitled to display a logo or other symbol developed by the department to signify the award. Awards shall be given each year to as many products as qualify. The award logo may be displayed for a period to be determined by the department. Members of the environmental excellence product advisory committee shall be eligible for reimbursement for expenses incurred to conduct the business of the committee.

NEW SECTION. Sec. 39. A new section is added to chapter 70.95C RCW to read as follows:

(1) The office shall establish a product packaging task force. The purpose of the task force shall be to investigate and evaluate methods to:

- (a) Reduce the volume or weight, or both, of product packaging entering the waste stream;
- (b) Reduce the toxicity of product packaging entering the waste stream;
- (c) Reduce the reliance on single use, disposable packaging;
- (d) Increase product packaging recycling; and
- (e) Increase public awareness of the contribution of packaging to the solid waste problem.

In fulfilling the purpose of this subsection, the task force shall consider all applicable federal and state packaging standards and requirements. The task force shall coordinate with regional or national groups, or both, engage in evaluating packaging issues. Any standards recommended by this task force must consider available packaging materials, packaging weight or volume, or both, and educational package labeling.

The task force shall involve representatives from the department of trade and economic development, the department of ecology, the public, local governments, environmental associations, and industry, including but not limited to, product and packaging manufacturers, retail businesses, solid waste collection companies, and recycling businesses. However, fifty percent of the task force appointees shall be representative of industry.

The task force shall submit an action plan, including short and long-range recommendations, to achieve the purposes of this subsection to the legislature by January 2, 1991. The task force shall be terminated upon submittal of the plan to the legislature.

(2) The task force shall submit guidelines on product packaging to the environmental excellence product award advisory committee by January 2, 1990.

NEW SECTION. Sec. 40. A new section is added to chapter 82.02 RCW to read as follows:

(1) As of July 1, 1989, the state preempts the field of imposing deposits or taxes upon a limited class of products and product packaging for the purpose of affecting the disposal of the product or product packaging. The state legislature shall have exclusive authority to impose such deposits or taxes. No local or regional political subdivision of the state shall have any authority to impose a deposit or tax unless specifically granted authority by the state legislature.

(2) This section shall expire July 1, 1991, unless extended by the legislature.

NEW SECTION. Sec. 41. A new section is added to chapter 70.95C RCW to read as follows:

(1) As of July 1, 1989, the state preempts the field of imposing prohibitions on the sale or distribution of products and product packaging for the purpose of affecting the disposal of the product or product packaging. The state legislature shall have exclusive authority to impose such prohibitions or bans. No local or regional political subdivision of the state shall have any authority to impose a prohibition or ban on products or product packaging unless specifically granted such authority by the state legislature.

(2) This section shall expire July 1, 1991, unless extended by the legislature.

Sec. 42. Section 35.21.130, chapter 7, Laws of 1965 and RCW 35.21.130 are each amended to read as follows:

A garbage ordinance may:

(1) Require property owners and occupants of premises to use the ~~((garbage))~~ solid waste collection and disposal system and to dispose of their garbage as provided in the ordinance; PROVIDED, That a solid waste ordinance shall not require any retail enterprise engaged in the sale of consumer-packaged products to locate or place a public solid waste collection site or buy-back center upon or within a certain distance of the retail establishment as a condition of engaging in the sale of consumer-packaged products; and

(2) Fix charges for garbage collection and disposal and the manner and time of payment thereof including therein a provision that upon failure to pay the charges, the amount thereof shall become a lien against the property for which the garbage collection service is rendered. The ordinance may also provide penalties for its violation.

Sec. 43. Section 36.58.010, chapter 4, Laws of 1963 and RCW 36.58.010 are each amended to read as follows:

Any board of county commissioners may acquire by purchase or by gift, dedication, or donation, garbage sites for the use of the public in disposing of ~~((garbage and refuse))~~ solid waste. However, no board of county commissioners shall be authorized to require any retail enterprise engaged in the sale of consumer-packaged products to locate or place a public solid waste collection site or buy-back center upon or within a certain distance of the retail establishment as a condition of engaging in the sale of consumer-packaged products.

NEW SECTION. Sec. 44. A new section is added to chapter 70.95C RCW to read as follows:

The department shall schedule regular meetings with local governments to coordinate the development and dissemination of materials to encourage waste reduction and recycling. The department may involve the media, advertising agencies, publishers, and others as deemed necessary by the department to produce high quality materials encouraging citizens and businesses to reduce and recycle their wastes.

NEW SECTION. Sec. 45. A new section is added to chapter 70.95C RCW to read as follows:

The legislature finds and declares that the buildings and facilities owned and leased by state government produce significant amounts of solid and hazardous wastes, and actions must be taken to reduce and recycle these wastes and thus reduce the costs associated with their disposal. In order for the operations of state government to provide the citizens of the state an example of positive waste management, the legislature further finds and declares that state government should undertake an aggressive program designed to reduce and recycle solid and hazardous wastes produced in the operations of state buildings and facilities to the maximum extent possible.

The office of waste reduction, in cooperation with the department of general administration, shall establish an intensive waste reduction and recycling program to promote the reduction of waste produced by state agencies and to promote the source separation and recovery of recyclable and reusable materials.

All state agencies, including but not limited to, colleges, community colleges, universities, offices of elected and appointed officers, the supreme court, court of appeals, and administrative departments of state government shall fully cooperate with the office of waste reduction and recycling in all phases of implementing the provisions of this section. The office shall establish a coordinated state plan identifying each agency's participation in waste reduction and recycling. The office shall develop the plan in cooperation with a multi-agency committee on waste reduction and recycling. Appointments to the committee shall be made by the director of the department of general administration. The director shall notify each agency of the committee and shall implement the waste reduction and recycling plan.

NEW SECTION. Sec. 46. A new section is added to chapter 70.95C RCW to read as follows:

The office of waste reduction shall develop, in consultation with the superintendent of public instruction, an awards program to achieve waste reduction and recycling in the public

schools, grades kindergarten through high school. The office shall develop guidelines for program development and implementation. Each public school shall implement a waste reduction and recycling program conforming to guidelines developed by the office.

For the purpose of granting awards, the office may group schools into not more than three classes, based upon student population, distance to markets for recyclable materials, and other criteria, as deemed appropriate by the office. Awards shall be granted each year to the schools that recycle the greatest quantity of school-generated material per student. Each award shall be of a sum not less than ten thousand dollars. The office shall also develop recommendations for an awards program for waste reduction in the public schools. The office shall submit these recommendations to the appropriate standing committees in the house of representatives and senate on or before November 30, 1989.

The superintendent of public instruction shall distribute guidelines and other materials developed by the office to implement programs to reduce and recycle waste generated in administrative offices, classrooms, laboratories, cafeterias, and maintenance operations.

Sec. 47. Section 2, chapter 120, Laws of 1987 as amended by section 3, chapter 168, Laws of 1988 and RCW 35.23.352 are each amended to read as follows:

(1) Any second or third class city or any town may construct any public works, as defined in RCW 39.04.010, by contract or day labor without calling for bids therefor whenever the estimated cost of the work or improvement, including cost of materials, supplies and equipment will not exceed the sum of thirty thousand dollars if more than one craft or trade is involved with the public works, or twenty thousand dollars if a single craft or trade is involved with the public works or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project.

Whenever the cost of the public work or improvement, including materials, supplies and equipment, will exceed these figures, the same shall be done by contract. All such contracts shall be let at public bidding upon posting notice calling for sealed bids upon the work. The notice thereof shall be posted in a public place in the city or town and by publication in the official newspaper, or a newspaper of general circulation most likely to bring responsive bids, once each week for two consecutive weeks before the date fixed for opening the bids. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city or town hall for public inspections, and require that bids be sealed and filed with the council or commission within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. The council or commission of the city or town shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call.

When the contract is let then all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond to perform the work furnished, with surety satisfactory to the council or commission, in the full amount of the contract price. If the bidder fails to enter into the contract in accordance with his bid and furnish a bond within ten days from the date at which he is notified that he is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council or commission or the council or commission shall recover the amount of the surety bond.

If no bid is received on the first call the council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform the work or improvement by day labor.

(2) The allocation of public works projects to be performed by city or town employees shall not be subject to a collective bargaining agreement.

(3) In lieu of the procedures of subsection (1) of this section, a second or third class city or a town may use a small works roster and award contracts under this subsection for contracts of one hundred thousand dollars or less.

(a) The city or town may maintain a small works roster comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in this state.

(b) Whenever work is done by contract, the estimated cost of which is one hundred thousand dollars or less, and the city uses the small works roster, the city or town shall invite proposals from all appropriate contractors on the small works roster: PROVIDED, That whenever possible, the city or town shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section. The invitation shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.

(c) When awarding such a contract for work, the estimated cost of which is one hundred thousand dollars or less, the city or town shall award the contract to the contractor submitting the lowest responsible bid.

(4) After September 1, 1987, each second class city, third class city, and town shall use the form required by RCW 43.09.205 to account and record costs of public works in excess of five thousand dollars that are not let by contract.

(5) The cost of a separate public works project shall be the costs of the materials, equipment, supplies, and labor on that construction project.

(6) Any purchase of supplies, material, equipment or services other than professional services, except for public work or improvement, where the cost thereof exceeds seven thousand five hundred dollars shall be made upon call for bids: PROVIDED, That the limitations herein shall not apply to any purchases of materials at auctions conducted by the government of the United States, any agency thereof or by the state of Washington or a political subdivision thereof.

(7) Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper published or of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

(8) For advertisement and competitive bidding to be dispensed with as to purchases between seven thousand five hundred and fifteen thousand dollars, the city legislative authority must authorize by resolution a procedure for securing telephone and/or written quotations from enough vendors to assure establishment of a competitive price and for awarding the contracts for purchase of materials, equipment, or services to the lowest responsible bidder. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

(9) These requirements for purchasing may be waived by resolution of the city or town council which declared that the purchase is clearly and legitimately limited to a single source or supply within the near vicinity, or the materials, supplies, equipment, or services are subject to special market conditions, and recites why this situation exists. Such actions are subject to RCW 39.30.020.

(10) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

(11) Nothing in this section shall prohibit any second or third class city or any town from allowing for preferential purchase of products made from recycled materials or products that may be recycled or recovered.

Sec. 48. Section 36.32.250, chapter 4, Laws of 1963 as last amended by section 9, chapter 169, Laws of 1985 and by section 1, chapter 369, Laws of 1985 and RCW 36.32.250 are each reenacted and amended to read as follows:

No contract, lease, or purchase may be entered into by the county legislative authority or by any elected or appointed officer of such county until after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection, and an advertisement thereof stating the time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, or material, equipment, or service to be purchased, and that specifications therefor may be seen at the office of the clerk of the county legislative authority, shall be published in the county official newspaper: PROVIDED, That advertisements for public works contracts for construction, alteration, repair, or improvement of public facilities shall be additionally published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done: AND PROVIDED FURTHER, That if the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public works are to be done publication of an advertisement of the applicable specifications in the county official newspaper only shall be sufficient. Such advertisements shall be published at least once in each week for two consecutive weeks prior to the last date upon which bids will be received and as many additional publications as shall be determined by the county legislative authority. The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in said advertisements, and after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed. The contract for the public work, lease, or purchase shall be awarded to the lowest responsible bidder, taking into consideration the quality of the articles or equipment to be purchased or leased. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law. If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. In the letting of any contract, lease, or purchase involving less than three

thousand five hundred dollars, advertisement and competitive bidding may be dispensed with on order of the county legislative authority. Notice of intention to let contracts or to enter into lease agreements involving amounts exceeding one thousand dollars but less than three thousand five hundred dollars, shall be posted by the county legislative authority on a bulletin board in its office not less than three days prior to making such lease or contract. For advertisement and competitive bidding to be dispensed with as to purchases between one thousand and three thousand five hundred dollars, the county legislative authority must authorize by resolution a county procedure for securing telephone or written quotations, or both, from enough vendors to assure establishment of a competitive price and for awarding such contracts for purchase of materials, equipment, or services to the lowest responsible bidder. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. Wherever possible, supplies shall be purchased in quantities for a period of at least three months, and not to exceed one year. Supplies generally used throughout the various departments shall be standardized insofar as possible, and may be purchased and stored for general use by all of the various departments which shall be charged for the supplies when withdrawn from the purchasing department.

This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

Nothing in this section shall prohibit the legislative authority of any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or recovered.

Sec. 49. Section 1, chapter 72, Laws of 1985 and RCW 39.30.040 are each amended to read as follows:

(1) Whenever a unit of local government is required to make purchases from the lowest bidder or from the supplier offering the lowest price for the items desired to be purchased, the unit of local government may, at its option when awarding a purchase contract, take into consideration tax revenue it would receive from purchasing the supplies, materials, or equipment from a supplier located within its boundaries. The unit of local government must award the purchase contract to the lowest bidder after such tax revenue has been considered. However, any local government may allow for preferential purchase of products made from recycled materials or products that may be recycled or recovered. The tax revenues which units of local government may consider include sales taxes that the unit of local government imposes upon the sale of such supplies, materials, or equipment from the supplier to the unit of local government, and business and occupation taxes that the unit of local government imposes upon the supplier that are measured by the gross receipts of the supplier from such sale. Any unit of local government which considers tax revenues it would receive from the imposition of taxes upon a supplier located within its boundaries, shall also consider tax revenues it would receive from taxes it imposes upon a supplier located outside its boundaries.

(2) As used in this section, the term 'unit of local government' means any county, city, town, metropolitan municipal corporation, public transit benefit area, county transportation authority, or other municipal or quasi-municipal corporation authorized to impose sales and use taxes or business and occupation taxes.

Sec. 50. Section 1, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 1, chapter 422, Laws of 1987 and RCW 43.160.010 are each amended to read as follows:

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways in the vicinity of new industries considering locating in this state or existing industries that are considering significant expansion.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development. All such improvements must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280. It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.

(3) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing facilities for recyclable materials should receive priority consideration from the board.

Sec. 51. Section 6, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 5, chapter 422, Laws of 1987 and RCW 43.160.060 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not make a grant or loan:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that probably would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(2) The board shall only make grants or loans:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, ~~((and))~~ industrial distribution, and processing recyclable materials, or (ii) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the grant or loan is made.

(3) The board shall prioritize each proposed project according to the number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located. As long as there is more demand for loans or grants than there are funds available for loans or grants, the board is instructed to fund projects in order of their priority.

(4) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Before any loan or grant application is approved, the political subdivision seeking the loan or grant must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

NEW SECTION, Sec. 52. A new section is added to chapter 43.160 RCW to read as follows:

(1) Before board consideration of an application from a political subdivision that includes a request for assistance in financing the cost of public facilities to encourage the development of a private facility to process recyclable materials, the application shall be forwarded by the board to the department of ecology.

(2) The board may not make its final determination on any application before receiving approval, as submitted or amended, or disapproval, from the department of ecology as specified in section 48 of this act.

(3) The board shall notify the department of ecology of its decision regarding any application made under this section.

NEW SECTION. Sec. 53. A new section is added to chapter 43.21A RCW to read as follows:

(1) Upon receiving an application for assistance in financing the cost of public facilities to encourage the development of a private facility to process recyclable materials from the board, the department shall, in a timely manner, determine whether or not the proposed assistance:

- (a) Has a significant impact on the residential and commercial waste stream;
- (b) Results in a product that has a ready market;
- (c) Does not jeopardize any other planned market development projects; and
- (d) Results in a product that would otherwise be purchased out-of-state.

(2) Upon completion of its determination of the factors contained in subsection (1) of this section and any other factors it deems pertinent, the department shall forward its approval, as submitted or amended, or disapproval, of the proposed improvements to the board, along with any recommendation it may wish to make concerning the desirability and feasibility of the proposed market development. If the department disapproves any proposed project, it shall specify its reasons for disapproval.

NEW SECTION. Sec. 54. A new section is added to chapter 70.95 RCW to read as follows:

(1) In order to establish the feasibility of composting sewer sludge and food and yard wastes, the department shall provide funds, as available, to local governments submitting a proposal to compost such wastes.

(2) The department, in cooperation with the department of trade and economic development, may approve an application if the project can demonstrate the essential parameters for successful composting, including, but not limited to, cost-effectiveness, handling and safety requirements, and current and potential markets.

(3) The department shall periodically report to the appropriate standing committees of the legislature on the need for, and feasibility of, composting systems for sewer sludge, and food and yard wastes.

NEW SECTION. Sec. 55. A new section is added to chapter 70.95 RCW to read as follows:

(1) The department shall assist local governments in establishing intensive waste diversion programs for commercial and household source separation. Such projects:

(a) Shall be above and beyond the minimum requirements of section 5 of this act and RCW 70.95.090;

(b) May be on a pilot or demonstration basis; and

(c) Shall be structured to determine the essential variables necessary to accomplish maximum feasible participation and waste stream diversion.

(2) The department shall periodically report to the appropriate standing committees of the legislature on the need for, and feasibility of, intensive waste diversion programs.

NEW SECTION. Sec. 56. In order to develop and enhance markets for scrap waste paper and to establish the safety and feasibility of burning certain plastics for energy recovery, the state energy office, in cooperation with the department of trade and economic development, shall conduct a study including, but not limited to, the following:

(1) A characterization of the facilities combusting scrap paper and plastics, including the design of handling equipment, combustors, and pollution control equipment;

(2) A determination of the quantity of scrap paper available for the fuel market, and the locations of potential suppliers;

(3) A determination of the capital and operating and maintenance costs of safely combusting scrap paper and plastic fuels;

(4) A determination of the market value of the fuel to potential users. The office shall report its finding to the legislature by December 31, 1989.

NEW SECTION. Sec. 57. The department shall conduct an investigation to determine the feasibility of returning unused paint to paint manufacturers for reuse or recycling, or both. In making the investigation, the department shall cooperate closely with the private sector. The department shall report its findings to the legislature by December 31, 1989.

NEW SECTION. Sec. 58. The office of waste reduction shall conduct a study of the current use of, and potential capacity for, use of recycled paper as feed stock to the state's pulp and paper industry. The department shall report its findings to the legislature by December 31, 1989.

NEW SECTION. Sec. 59. (1) There is created, within the department of trade and economic development, the Washington committee for recycling markets. The committee shall be appointed by the director and shall involve representatives of: Businesses that broker or process recycled materials but do not engage in collection; solid waste collection businesses; local government officials; local chambers of commerce; citizen recycling groups; manufacturers; institutions of higher education; the department of ecology; and other agencies, businesses, and organizations as may have an interest in development of recycling markets.

(2) The committee shall convene on or before September 1, 1989, and shall meet at least quarterly.

(3) The committee shall be supported by staff from the department of ecology and from the department of trade and economic development.

NEW SECTION. Sec. 60. The committee shall develop recommendations to:

- (1) Develop new markets inside and outside this state for recycled materials;
- (2) Attract new businesses to this state whose purpose is to use recycled materials;
- (3) Promote business and consumer use of products made from recycled materials;
- (4) Provide technical market assistance to businesses and local governments;
- (5) Create a permanent entity to create and develop markets for recyclable materials.

NEW SECTION. Sec. 61. The committee shall report to the legislature on or before November 30, 1990, and its duties shall be terminated upon delivery of the report.

NEW SECTION. Sec. 62. Sections 59 through 61 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 63. Unless the context clearly requires otherwise the definitions in this section apply throughout this chapter.

(1) 'Board' means the board of advisors for solid waste incinerator and landfill operator certification established by section 67 of this act.

(2) 'Certificate' means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

(3) 'Department' means the department of ecology.

(4) 'Director' means the director of ecology.

(5) 'Incinerator' means a facility which has the primary purpose of burning or which is designed with the primary purpose of burning solid waste or solid waste derived fuel.

(6) 'Landfill' means a landfill as defined under RCW 70.95.030.

(7) 'Owner' means, in the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; in the case of a county, the chief elected official of the county legislative authority or the chief elected official's designee; in the case of a board of public utilities, association, municipality, or other public body, the president or chief elected official of the body or the president's or chief elected official's designee; in the case of a privately owned landfill or incinerator, the legal owner.

(8) 'Solid waste' means solid waste as defined under RCW 70.95.030.

NEW SECTION. Sec. 64. (1) By January 1, 1992, the owner or operator of a solid waste incineration facility shall employ a certified operator. At a minimum, the individual on-site at a solid waste incineration facility who is designated by the owner as the operator in responsible charge of the operation and maintenance of the facility on a routine basis shall be certified by the department.

(2) If a solid waste incinerator is operated on more than one daily shift, the operator in charge of each shift shall be certified.

(3) Operators not required to be certified are encouraged to become certified on a voluntary basis.

(4) The department shall adopt and enforce such rules as may be necessary for the administration of this section.

NEW SECTION. Sec. 65. (1) By January 1, 1992, the owner or operator of a landfill shall employ a certified landfill operator.

(2) The department shall adopt rules classifying all landfills with regard to the size, type, and other conditions affecting the complexity of a landfill and the skill, knowledge, and experience required of an operator to operate the landfill to protect human health and the environment.

(3) The rules shall require that the owner or operator of complex landfills employ a certified landfill operator who is on-site at all times the landfill is operating. At a minimum the rules shall require that owners or operators of landfills are required to employ a certified landfill operator who is on call at all times the landfill is operating.

NEW SECTION. Sec. 66. (1) The department shall establish a process to certify incinerator and landfill operators. To the greatest extent possible, the department shall rely on the certification standards and procedures developed by national organizations and the federal government.

(2) Operators shall be certified if they:

- (a) Attend the required training sessions;
- (b) Successfully complete required examinations; and
- (c) Pay the prescribed fee.

(3) By January 1, 1991, the department shall adopt rules to require incinerator and appropriate landfill operators to:

(a) Attend a training session concerning the operation of the relevant type of landfill or incinerator;

(b) Demonstrate sufficient skill and competency for proper operation of the incinerator or landfill by successfully completing an examination prepared by the department; and

(c) Renew the certificate of competency at reasonable intervals established by the department.

(4) The department shall provide for the collection of fees for the issuance and renewal of certificates. These fees shall be sufficient to recover the costs of the certification program.

(5) The department shall establish an appeals process for the denial or revocation of a certificate.

(6) The department shall establish a process to automatically certify operators who have received comparable certification from another state, the federal government, a local government, or a professional association.

(7) Upon the effective date of this act and prior to January 1, 1992, the owner or operator of an incinerator or landfill may apply to the department for interim certification. Operators shall receive interim certification if they:

(a) Have received training provided by a recognized national organization, educational institution, or the federal government that is acceptable to the department; or

(b) Have received individualized training in a manner approved by the department; and

(c) Have successfully completed any required examinations.

(8) No interim certification shall be valid after January 1, 1992, and interim certification shall not automatically qualify operators for certification pursuant to subsections (2) through (4) of this section.

NEW SECTION. Sec. 67. (1) A board of advisors for solid waste incinerator and landfill operator certification shall be established. Collectively, the board shall be a subcommittee of the solid waste advisory committee created under RCW 70.95.040 and shall be comprised of five members appointed by the director. The members shall be knowledgeable about solid waste handling technologies including but not limited to combustion boiler and pollution control technologies and their potential environmental impacts such as air emissions and ash residues.

(2) This board shall act as an advisory committee to the department and shall review and comment on the rules adopted under this chapter.

NEW SECTION. Sec. 68. (1) The director may, with the recommendation of the board and after a hearing before the board, revoke a certificate:

(a) If it were found to have been obtained by fraud or deceit;

(b) For gross negligence in the operation of a solid waste incinerator or landfill;

(c) For violating the requirements of this chapter or any lawful rule or order of the department; or

(d) If the facility operated by the certified employee is operated in violation of state or federal environmental laws.

(2) A person whose certificate is revoked under this section shall not be eligible to apply for a certificate for one year from the effective date of the final order or revocation.

NEW SECTION. Sec. 69. Any person who is employed by a public agency to inspect the operation of a landfill or an incinerator to determine the compliance of the facility with state or local laws or rules shall be required to be certified in the same manner as an operator under this chapter.

NEW SECTION. Sec. 70. To carry out the provisions and purposes of this chapter, the director may:

(1) Enter into agreements, contracts, or cooperative arrangements, under such terms and conditions as the director deems appropriate with other state, federal, or interstate agencies, municipalities, educational institutions, or other organizations or individuals.

(2) Receive financial and technical assistance from the federal government, other public agencies, and private agencies.

(3) Participate in related programs of the federal government, other states, interstate agencies, other public agencies, or private agencies or organizations.

(4) Upon request, furnish reports, information, and materials relating to the certification program authorized by this chapter to federal, state, or interstate agencies, municipalities, educational institutions, and other organizations and individuals.

(5) Establish adequate fiscal controls and accounting procedures to assure proper disbursement of and accounting for funds appropriated or otherwise provided for the purpose of carrying out this chapter.

(6) Adopt rules under chapter 34.05 RCW.

NEW SECTION. Sec. 71. After January 1, 1992, it is unlawful for any person, firm, corporation, municipal corporation, or other governmental subdivision or agency to operate a solid waste incineration or landfill facility unless the operators are duly certified by the director under this chapter or any lawful rule or order of the department. It is unlawful for any person to perform the duties of an operator without being duly certified under this chapter.

NEW SECTION. Sec. 72. Any person, including any firm, corporation, municipal corporation, or other governmental subdivision or agency, with the exception of incinerator operators, violating any provision of this chapter or the rules adopted under this chapter, is guilty of a misdemeanor. Incinerator operators who violate any provision of this chapter shall be guilty of a gross misdemeanor. Each day of operation in violation of this chapter or any rules adopted

under this chapter shall constitute a separate offense. The prosecuting attorney or the attorney general, as appropriate, shall secure injunctions of continuing violations of any provisions of this chapter or the rules adopted under this chapter.

NEW SECTION. Sec. 73. All receipts realized in the administration of this chapter shall be paid into the general fund.

NEW SECTION. Sec. 74. Sections 63 through 73 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 75. A new section is added to chapter 82.18 RCW to read as follows:

(1) There is imposed on each person using the services of a solid waste collection business a solid waste collection tax of one and two-tenths percent of the consideration charged for the services. This tax shall be applied only to a service charge for actual solid waste collection that is provided. For residential collection service only, the tax shall apply to the lesser of the consideration charged for the services or:

(a) For customers with one-can service, the first eight dollars of the monthly charge for the services.

(b) For customers with two-can service or more, the first twelve dollars of the monthly charge for the services.

(2) Moneys collected under this section shall be held in trust until paid to the state. Moneys received by the state shall be deposited in the solid waste management account created by section 90 of this act. The provisions of RCW 82.18.040, insofar as they are not in conflict with this section, apply to the collection of the surcharge.

(3) This section expires July 1, 1993.

NEW SECTION. Sec. 76. The expiration of section 75 of this act shall not be construed as affecting any existing right acquired or liability or obligation incurred under that section or under any rule or order adopted under that section, nor as affecting any proceeding instituted under that section.

NEW SECTION. Sec. 77. Section 75 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

NEW SECTION. Sec. 78. The legislative budget committee shall report to the legislature by January 1, 1993 as to whether the tax imposed under section 75 of this act should be continued or modified to achieve the purposes of this act.

Sec. 79. Section 8, chapter 282, Laws of 1986 and RCW 82.18.030 are each amended to read as follows:

The person collecting the charges made for using the ~~((refuse))~~ solid waste collection business shall collect the tax imposed in ~~((section 6 of this act))~~ this chapter. If any person charged with collecting the tax fails to bill the taxpayer for the tax, or in the alternative has not notified the taxpayer in writing of the imposition of the tax, or having collected the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she shall, nevertheless, be personally liable to the state for the amount of the tax.

Sec. 80. Section 9, chapter 282, Laws of 1986 and RCW 82.18.040 are each amended to read as follows:

Taxes collected under this chapter shall be held in trust until paid to the state. Except for taxes received under section 75 of this act, taxes so received by the state shall be deposited in the public works assistance account created in RCW 43.155.050. Any person collecting the tax who appropriates or converts the tax collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. If a taxpayer fails to pay the tax imposed by this chapter to the person charged with collection of the tax and the person charged with collection fails to pay the tax to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the tax.

The tax shall be due from the taxpayer within twenty-five days from the date the taxpayer is billed by the person collecting the tax.

The tax shall be due from the person collecting the tax at the end of the tax period in which the tax is received from the taxpayer. If the taxpayer remits only a portion of the total amount billed for taxes, consideration, and related charges, the amount remitted shall be applied first to payment of the ~~((refuse))~~ solid waste collection tax and this tax shall have priority over all other claims to the amount remitted.

NEW SECTION. Sec. 81. A new section is added to chapter 81.77 RCW to read as follows:

The provisions of chapter 39.12 RCW shall apply to service agreements entered into under this chapter, RCW 35.21.120, and 36.58.040 to collect source-separated recyclable materials at residential or nonresidential sites, or both.

NEW SECTION. Sec. 82. A new section is added to chapter 81.77 RCW to read as follows:

The commission, in fixing and altering collection rates charged by every solid waste collection company under this section, shall include in the base for the collection rates:

(1) All charges for the disposal of solid waste at the facility or facilities that the solid waste collection company is required to use under a local comprehensive solid waste management plan or ordinance designating disposal sites;

(2) All charges relating to the disposition of recyclable materials made to third parties as directed by a local government under its comprehensive solid waste management plan;

(3) All known and measurable costs related to implementation of the approved county or city comprehensive solid waste management plan; and

(4) All revenues received by collection companies in return for the sale of recyclable materials collected, which revenues shall be applied to offset the known and measurable costs of collection, processing, and marketing the recyclable materials.

The commission shall develop rules to allow solid waste collection companies to adjust their rates no more than two times per year, to reflect the costs specified in this section. Such rules shall include notice to ratepayers of rate adjustment.

NEW SECTION, Sec. 83. A new section is added to chapter 81.77 RCW to read as follows:

If the commission suspends a tariff change submitted by a solid waste collection company under RCW 81.04.130, the collection company may request that the tariff be put in effect on an interim basis, subject to refund, pending the commission's final order. Such requests shall be granted and the tariff will become effective, on an interim basis, on its originally filed effective date.

NEW SECTION, Sec. 84. (1) The department of ecology shall conduct a study of problem wastes including an analysis of the best available technologies for environmentally safe and economically sound collection, storage, processing, and disposal. In conducting the study, the department shall involve, consult, and create special advisory committees that will include membership from relevant industries and local governments. The department shall submit a report, including recommendations, to the house of representatives environmental affairs committee and the senate environment and natural resources committee by December 15, 1990, and shall make the results of the study available to local governments. In its study, the department shall consider, at a minimum, the following:

(a) Education programs about using alternative products that minimize adverse effects to the environment;

(b) Program development and enhancement to divert problem wastes from the waste stream, including current recycling programs and household hazardous waste collection programs; and

(c) Waste treatment and stabilization.

(2) The study shall include an investigation of existing toxic materials in landfills, in incinerator air emissions, and in incinerator fly and bottom ash, including, but not limited to, lead, mercury, cadmium, chromium, dioxins, furans, oxides of sulphur, carbon, nitrogen, and other toxic organic materials. Furthermore, the study shall review the adequacy of the state's air quality and ash quality standards for solid waste incinerators, by including a comparison of our state standards with those latest standards adopted by other countries such as Sweden and West Germany.

(3) The purpose of the investigation and the standard review is to evaluate the potential for damage to the environment and public health from these toxic materials, to identify the sources of the toxic materials, and to evaluate the potential solid waste management practices for eliminating or reducing the amount of toxic materials entering disposal facilities, or reducing the toxicity of such materials.

(4) For the purposes of this section, 'problem wastes' means those solid wastes that require special handling, treatment, storage, or disposal, as determined by the department to be causing, or potentially causing, environmental damage, or are disposed of in sufficient quantities as to be likely to cause environmental damage.

NEW SECTION, Sec. 85. The legislature finds that flexibility in solid waste management systems may help minimize the need for costly disposal options, maximize the limited life of landfills, and produce the most cost-effective solid waste management system. The legislature further finds that there is a need for innovation in solid waste management systems, especially to develop efficient ways of collecting and handling yard waste, recyclables, and other materials intended to be segregated from the solid waste disposal stream.

The legislature finds that local governments are given primary responsibility to plan for and manage solid waste, and that they require a grant of authority sufficient to implement their plans and manage segregated waste streams. The legislature also finds that the majority of Washington's population resides in unincorporated areas under the jurisdiction of county governments, so that county governments are responsible for managing a growing portion of the waste stream. The legislature further finds that current statutes restrict county government authority over solid waste collection. The legislature further finds that changes in existing statutes for solid waste regulatory authority may displace existing firms that are delivering solid waste and recycling services in a cost-effective manner.

Therefore, the legislature finds that there is a need to examine the structure and effectiveness of the present regulatory situation and the public policies which have led to the current structure. The legislature further finds that it is desirable to examine the regulatory structure

and practice of other states, including regulatory jurisdiction, planning responsibility, and program funding authority granted to various levels and agencies of government. The legislature also finds that any changes in regulatory authority should be made in a way that minimizes adverse impacts on existing firms, governmental entities, and customers of solid waste collection and recycling services.

NEW SECTION. Sec. 86. (1) The utilities and transportation commission shall conduct a study on solid waste regulation, utilizing the expertise of an objective research institution specializing in regulatory or public policy issues, that shall:

(a) Identify and examine current statutory responsibilities of state, county, and city governments, and the role of private sector firms, for solid waste services including the provision of solid waste and recycling collection, transfer, disposal, financing, and enforcement;

(b) Examine public policies and history that led to the current regulatory structure;

(c) Gather and analyze information on the current status of collection, transfer, disposal, and recycling services on a county-by-county basis, including services provided by local governments, haulers holding certificates of public convenience and necessity issued by the utilities and transportation commission, and private sector recycling firms, which information shall include, but not be limited to, number and categories of customers served, services provided, tonnage handled, overall cost of service, and number and type of firms under common ownership. In order to minimize costs, the findings of the best management practices study shall be used to the fullest extent possible;

(d) Examine policies and practices in other states in regard to the allocation of regulatory responsibility and financial capability among different levels of government;

(e) Discuss possible alternatives to the existing statutory system of solid waste regulatory authority, that shall include, at a minimum:

(i) Optional county authority over solid waste collection, similar to the optional city authority granted in RCW 81.77.020;

(ii) Mandatory county authority over solid waste collection, replacing the utilities and transportation commission;

(iii) Changing state authority over solid waste collection and disposal, with such authority to be vested in a new state board or agency;

(f) Recommend policy, statutory, and constitutional changes that would serve to provide greater flexibility, innovation, and local control, and to minimize impacts on existing solid waste management firms, governmental entities, and customers of solid waste collection and recycling services.

(2) The commission shall appoint an advisory committee to review and comment on the study upon completion. Members of the advisory committee shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060. The committee shall include, but not be limited to:

(a) Two representatives of county governments, including one representative from large counties, defined as counties of class AA, A, 1, and 2 counties, and one representative of counties of class 3 and smaller;

(b) Two representatives of city governments, including one from a city that provides municipal collection services and one from a city that provides collection services in some manner other than municipal provision;

(c) One representative of county health officials;

(d) Two representatives of the garbage collection industry;

(e) Two representatives of the recycling industry;

(f) One representative each of business and environmental interests;

(g) One representative each from the department of ecology, the department of community development, the department of revenue, and the municipal corporation division of the state auditor's office.

(3) The commission shall submit to the governor and legislature a report containing findings, conclusions, recommendations, and comments by January 2, 1990.

NEW SECTION. Sec. 87. The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the public service revolving fund for the purposes of this act.

NEW SECTION. Sec. 88. Sections 85 through 87 of this act shall expire June 30, 1990.

Sec. 89. Section 15, chapter 528, Laws of 1987 as amended by section 6, chapter 184, Laws of 1988 (uncodified) is amended to read as follows:

(1) The Washington state legislature finds that the state faces a solid waste disposal crisis. The siting of new landfills, the location and design of new solid waste incinerators, the disposal of ash residue, and compliance with the priorities of the solid waste management act and the hazardous waste management act require that an effort be made by the state to ensure that local governments and private industry have adequate technical information, and that programs are developed to accomplish the statutory waste management priorities.

(2) A comprehensive evaluation of preferred solid waste management programs shall be undertaken by the joint select committee for preferred solid waste management. The committee shall consist of four members of the house of representatives appointed by the speaker of

the house and four members of the senate appointed by the president of the senate. The committee shall involve the department of ecology, the utilities and transportation commission, and representatives of organizations representing cities, counties, the public, the waste management industry, waste haulers, and the private recycling industry. The committee shall report its findings and recommendations to the appropriate standing committees of the legislature by January 1, 1989.

(3) The department of ecology may provide the committee with specific recommendations on waste management programs from studies the department has undertaken as required by RCW 70.95.263.

(4) The committee shall attempt to determine the reasons why higher rates of waste reduction and recycling have not been achieved in the state and develop recommendations on how to achieve higher rates.

(5) The committee's recommendations shall include (a) specific programs for waste reduction, recycling, incineration, and landfills, (b) specific goals for solid waste management, and (c) specific responsibilities for state government, local government, and the private sectors to accomplish the committee's recommendations. The committee shall also recommend specific legislation and rule-making requirements to accomplish the committee's findings.

(6) The joint select committee for preferred solid waste management shall cease to exist on July 1, ~~((1989))~~ 1991.

NEW SECTION, Sec. 90. A new section is added to chapter 70.95 RCW to read as follows:

The solid waste management account is created in the state treasury. Moneys in the account may only be spent after appropriation. Expenditures from the account may only be used to carry out the purposes of this act. All earnings from the investment of balances in the solid waste management account except as provided in RCW 43.84.090, shall be deposited into the solid waste management account.

NEW SECTION, Sec. 91. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 92. Sections 40 and 41 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

NEW SECTION, Sec. 93. Section 36 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "solid waste;" strike the remainder of the title and insert "amending RCW 70.95.010, 70.95.030, 70.95.100, 70.95.110, 70.95.090, 70.95.160, 81.77.010, 81.77.020, 81.77.030, 81.77.040, 81.77.050, 81.77.060, 81.77.080, 81.77.100, 81.77.110, 36.58.040, 35.21.120, 70.95.280, 43.21A.520, 35.21.130, 36.58.010, 35.23.352, 39.30.040, 43.160.010, 43.160.060, 82.18.030, and 82.18.040; amending section 15, chapter 528, Laws of 1987 as amended by section 6, chapter 184, Laws of 1988 (uncodified); reenacting and amending RCW 36.32.250; adding new sections to chapter 70.95 RCW; adding a new section to chapter 36.58 RCW; adding a new section to chapter 35.21 RCW; adding new sections to chapter 70.95C RCW; adding a new section to chapter 82.02 RCW; adding a new section to chapter 43.160 RCW; adding a new section to chapter 43.21A RCW; adding new sections to chapter 81.77 RCW; adding a new section to chapter 82.18 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 70 RCW; creating new sections; prescribing penalties; making appropriations; providing expiration dates; providing effective dates; and declaring an emergency."

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Ebersole, Ferguson, Hine, Holland, May, McLean, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

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

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Doty and Nealey.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1768 Prime Sponsor, Representative Todd: Increasing the building permit fee. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Housing (For committee amendment, see Journal, 52nd Day, March 1, 1989.) and with the following amendments by Committee on Appropriations:

On page 1, after line 27, insert the following:

NEW SECTION, Sec. 3. A new section is added to chapter 19.27 RCW to read as follows:

(1) The department of social and health services shall identify advisory levels for indoor air quality that include maximum concentrations of indoor air pollutants for residential buildings and schools. Indoor air pollutants include but are not limited to formaldehyde, carbon monoxide, carbon dioxide, and water vapor or moisture-laden air, but do not include radon. The advisory levels shall be reported to the state building code council no later than November 1, 1989.

(2) The state building code council, in consultation with other state agencies, shall conduct a review of techniques to reduce and mitigate the presence of indoor air pollutants. The review shall include an assessment of federal, regional, and state efforts to reduce or mitigate indoor air pollution, and identification of codes or standards that may be appropriate for consideration by the state of Washington. The state building code council shall report the findings of its review to the governor and to the appropriate standing committees of the legislature by December 1, 1989.

(3) The state building code council, in consultation with the department and other state and federal agencies, shall develop ventilation and source control standards designed to control the level of indoor air pollutants in residential buildings and incorporate them into the building code for the maintenance of the health and safety of the occupants. On or before December 1, 1991, the building code council shall adopt rules pursuant to chapter 34.05 RCW for the purpose of implementing a requirement that all new residential buildings be constructed to control, reduce, and mitigate the presence of indoor air pollutants.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "19.27.085," insert "adding a new section to chapter 19.27 RCW;"

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Belcher, Brekke, Dorn, Ebersole, Hine, May, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Bowman, Brough, Ferguson, McLean and Padden.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Doty, Holland and Nealey.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 1814 Prime Sponsor, Representative Phillips: Creating the cultural diversity in-service training program for teachers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Belcher, Bowman, Braddock, Brekke, Brough, Dorn, Ebersole, Ferguson, Hine, May, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; McLean and Padden.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Doty, Holland and Nealey.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 2014 Prime Sponsor, Representative Peery: Revising provisions for special education programs for handicapped children. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Belcher, Bowman, Brekke, Brough, Dorn, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher and Doty.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 2023 Prime Sponsor, Representative G. Fisher: Providing for technology development and commercialization. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Trade & Economic Development Committee be substituted therefor and the substitute bill do pass with the following amendments by Committee on Appropriations:

On page 2, after line 32, strike all of section 3

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 4, after line 13, strike all of section 6

On page 1, line 2 of the title, after "28B.20.285;" insert "and"

On page 1, line 2 of the title, after "sections" strike "; and making an appropriation"

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Ebersole, Ferguson, Hine, May, McLean, Padden, Rust, Sayan, Spanel, Sprenkle, Valle and Wang.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Doty, Holland and Nealey.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 2136 Prime Sponsor, Representative Cole: Providing mobile home relocation assistance. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Housing be substituted therefor and the substitute bill do pass with the following amendments by Committee on Appropriations:

On page 7, beginning on line 1, strike all of section 11

Renumber the sections consecutively and correct any internal references accordingly

On page 1, line 3 of the title, after "RCW;" strike "making an appropriation;"

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Belcher, Brekke, Bristow, Brough, Dorn, Ebersole, Hine, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry

MINORITY recommendation: Do not pass. Signed by Representatives Bowman, McLean and Padden

Voting nay: Representatives Silver, Ranking Republican Member; Bowman, Ferguson, McLean, Padden and Sayan.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Braddock, Doty, Holland, May and Nealey.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 2137 Prime Sponsor, Representative Cantwell: Establishing target sector programs for state economic development. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Trade & Economic Development be substituted therefor and the substitute do pass with the following amendments by Committee on Appropriations:

On page 4, after line 29, strike all of section 7

Renumber remaining sections consecutively and correct internal references accordingly.

On page 1, line 1, after ";" insert "and" and on line 2 of the title, after "RCW" strike the remainder of the title and insert a period

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Belcher, Bowman, Braddock, Brekke, Brough, Dorn, Ebersole, Ferguson, Hine, May, McLean, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Doty, Holland and Nealey.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 2140 Prime Sponsor, Representative Cantwell: Establishing the Washington state growth strategies commission. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Trade & Economic Development be substituted therefor and the substitute bill do pass with the following amendment by Committee on Appropriations:

On page 4, line 15, after "development" strike "two hundred fifty thousand dollars" and insert "three hundred fifty thousand dollars"

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Belcher, Braddock, Brekke, Bristow, Ebersole, Ferguson, Hine, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Bowman, Brough, May, McLean and Padden.

Voting nay: Representatives Silver, Ranking Republican Member; Bowman, Brough, Dorn, McLean and Padden.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Doty, Holland and Nealey.

Passed to Committee on Rules for second reading.

March 5, 1989

HB 2168 Prime Sponsor, Representative Nelson: Authorizing services charges on facilities handling wastes composed of both radioactive and hazardous components. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Energy & Utilities. (For committee amendments, see Journal, 52nd Day, March 1, 1989.) Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Ebersole, Ferguson, Hine, May, McLean, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Doty, Holland and Nealey.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Heavey, the bills listed on today's supplemental committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

On motion of Mr. Heavey, House Bill No. 2016 was referred from Committee on Appropriations to Committee on Rules.

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

MOTION

On motion of Mr. Heavey, the House adjourned until 9:30 a.m., Tuesday, March 7, 1989.

ALAN THOMPSON, Chief Clerk

JOSEPH E. KING, Speaker

FIFTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, March 7, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Basich, Bristow, Locke, Spanel and Vekich. On motion of Ms. H. Myers, Representatives Basich, Locke, Spanel and Vekich were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Monica Ricarte and Allison Hatfield. Prayer was offered by The Reverend Dr. Walter Pulliam, Senior Pastor of the First Baptist Church of Olympia.

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

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

March 7, 1989

On this day in 1889, the town of Whatcom ordered landowners to clear trees and brush from their holdings. This would have freed land for development. And, local boosters predicted that with the rising tide of immigrants to the country behind Sequim and Dungeness, within two years "there will be but little vacant land in Clallam County."

On this day in 1907 the University of Washington Board of Regents agreed to modify its lease of its Metropolitan Tract to omit rent increases based on rising land values. The new lease promoted development, but critics charged it brought in little income.

On March 7, 1927 the Legislature occupied its new seven million dollar Legislative Building in Olympia, where it still sits. A band from the Salvation Army and the University of Washington Glee Club provided music. Fifty years later, in 1977, a celebration led by Governor Dixy Lee Ray commemorated the event.

And on March 7, 1983 Queen Elizabeth II of England and Prince Phillip visited Seattle.

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

SECOND READING

ANNOUNCEMENT BY THE SPEAKER

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

MOTION

Mr. Heavey moved that the House defer consideration of House Bill No. 1510 and that the bill hold its place on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1792, by Representatives Todd, Cooper, Phillips, Nelson, R. Meyers, Bowman, Pruitt and Sprengle; by request of Attorney General

Regulating telemarketing and telephone solicitation.

The bill was read the second time.

Mr. Todd moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Todd and Bowman spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1792.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1792, and the bill passed the House by the following vote: Yeas, 93; absent, 1; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Bristow - 1.

Excused: Representatives Basich, Locke, Spanel, Vekich - 4.

Substitute House Bill No. 1792, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1797, by Representatives Todd, Nutley, Cooper, Cantwell, Nelson, Brough and Rasmussen

Applying the mobile home landlord-tenant act to individual lots.

The bill was read the second time.

Ms. Nutley moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Nutley spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1797.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1797, and the bill passed the House by the following vote: Yeas, 93; absent, 1; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Bristow - 1.

Excused: Representatives Basich, Locke, Spanel, Vekich - 4.

Substitute House Bill No. 1797, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1839, by Representatives Leonard, Jones, R. King, Prentice, Sayan, Cole, Vekich, Rust and Basich

Requiring employers to maintain employee benefits for an injured worker returning to a light duty job.

The bill was read the second time.

Ms. Cole moved that the committee recommendation be adopted (For committee amendment, see Journal, 40th Day, February 17, 1989.) and the bill be advanced to third reading. Ms. Cole spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1839.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1839, and the bill passed the House by the following vote: Yeas, 93; absent, 1; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Bristow - 1.

Excused: Representatives Basich, Locke, Spanel, Vekich - 4.

Engrossed House Bill No. 1839, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Bristow and Spanel appeared at the bar of the House.

HOUSE BILL NO. 1854, by Representatives Jones, Hargrove, Rust, Winsley, Basich, R. King, Belcher, Cole, Spanel, P. King and Nelson

Modifying resource damage assessment under the state water pollution control act.

The bill was read the second time.

Ms. Rust moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Rust and Walker spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1854.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1854, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Basich, Locke, Vekich - 3.

Substitute House Bill No. 1854, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1321 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1321, by Representatives Hine, Silver, Sayan, D. Sommers, Patrick, McLean, Bristow, H. Sommers, Peery, Wineberry, Rayburn, Braddock, Prentice, Leonard, Valle, Rector, Betzoff, R. Fisher, Fraser, Basich, O'Brien, Locke, Haugen, May, P. King, Phillips, Brekke, Appelwick, G. Fisher, Spanel and Van Luven; by request of Joint Committee on Pension Policy

Altering pension funding.

The bill was read the second time. On motion of Ms. H. Sommers, Substitute House Bill No. 1321 was substituted for House Bill No. 1321, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1321 was read the second time.

Mr. Braddock moved adoption of the following amendments:

On page 29, line 4, following "RCW 43.43.200;" insert "and"

On page 29, line 5, following "RCW 43.88.085" strike all material down to and including "RCW 82.32.400" on line 9.

On page 29, following line 15, insert a new section as follows:

"NEW SECTION, Sec. 33. Section 33, chapter 7, Laws of 1983, section 57, chapter 3, Laws of 1983 2nd ex. sess., section 607, chapter 285, Laws of 1984, section 85, chapter 57, Laws of 1985, section 8, chapter 502, Laws of 1987 and RCW 82.32.400 are each repealed."

Renummer remaining section accordingly.

On page 29, line 21, strike "and 28" and insert ", 28 and 33"

Representatives Braddock and Silver spoke in favor of adoption of the amendments, and they were adopted.

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

Representatives Hine, D. Sommers, H. Sommers, Silver, Sayan, Heavey, McLean and Van Luven spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. Silver yielded to question by Mr. Nealey.

Mr. Nealey: We have been constantly told, in the last couple of year at least, that we have over \$4.2 billion of indebtedness or under-funding for that. Is there any explanation for why it is down to \$3.2 billion, which is quoted in our book and by previous speakers?

Ms. Silver: The \$3 billion figure is the one that we have always used in approximations. In our book, I see, that to be really accurate it should be \$3.2 billion. That is the one that is accurate.

Mr. Ferguson spoke in favor of the bill, and Ms. Hine again spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1321, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Basich, Locke, Vekich - 3.

Engrossed Substitute House Bill No. 1321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1322, by Representatives Hine, Silver, Sayan, McLean, Patrick, D. Sommers, H. Sommers, Bristow, Bowman, Moyer, Day, Peery, Wineberry, Winsley, Fuhrman, Schoon, Holland, Rayburn, Rayburn, Belcher, Braddock, Jesernig, Kremen, Chandler, Brough, Valle, G. Fisher, Betrozoff, R. Fisher, Fraser, Basich, Locke, Haugen, Youngsman, Wolfe, May, R. King, P. King, Pruitt, Hankins, Brekke, Appelwick, H. Myers, Miller, Rasmussen, Ebersole, Jacobsen, Doty, Spanel, Brumstick, Van Luvan, Tate, Wood and Horn; by request of Joint Committee on Pension Policy

Authorizing cost-of-living adjustments for members of retirement systems.

The bill was read the second time. On motion of Ms. H. Sommers, Substitute House Bill No. 1322 was substituted for House Bill No. 1322, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1322 was read the second time.

Ms. Hine moved adoption of the following amendment:

On page 2, beginning on line 1, strike all material through "labor." on page 4, line 6, and insert the following:

NEW SECTION, Sec. 2. A new section is added to chapter 41.40 RCW to read as follows:

(1) Beginning July 1, 1989, and every year thereafter, the department shall determine the following information for each retired member or beneficiary who is over the age of sixty-five:

(a) The dollar amount of the retirement allowance received by the retiree at age sixty-five, to be known for the purposes of this section as the 'age sixty-five allowance';

(b) The index for the calendar year prior to the year that the retiree reached age sixty-five, to be known for purposes of this section as 'index A';

(c) The index for the calendar year prior to the date of determination, to be known for purposes of this section as 'index B';

(d) The ratio obtained when index B is divided by index A, to be known for the purposes of this section as the 'full purchasing power ratio'; and

(e) The value obtained when the retiree's age sixty-five allowance is multiplied by sixty percent of the retiree's full purchasing power ratio, to be known for the purposes of this section as the 'target benefit.'

(2) Beginning with the July payment, the retiree's age sixty-five allowance shall be adjusted to be equal to the retiree's target benefit. In no event, however, shall the adjusted allowance:

(a) Be smaller than the retirement allowance received without the adjustment; nor

(b) Differ from the previous year's allowance by more than three percent.

(3) For members who retire after age sixty-five, the age sixty-five allowance shall be the initial retirement allowance received by the member.

(4) For beneficiaries of members who die prior to age sixty-five: (a) The age sixty-five allowance shall be the allowance received by the beneficiary on the date the member would have turned age sixty-five; and (b) index A shall be the index for the calendar year prior to the year the member would have turned age sixty-five.

(5) Where the pension payable to a beneficiary was adjusted at the time the benefit commenced, the benefit provided by this section shall be adjusted in a manner consistent with the adjustment made to the beneficiary's pension.

(6) For the purposes of this section:

(a) 'Index' means, for any calendar year, that year's average consumer price index—Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor;

(b) 'Retired member' or 'retiree' means any member who has retired for service or because of duty or nonduty disability, or the surviving beneficiary of such a member.

NEW SECTION, Sec. 3. A new section is added to chapter 41.32 RCW to read as follows:

(1) Beginning July 1, 1989, and every year thereafter, the department shall determine the following information for each retired member or beneficiary who is over the age of sixty-five:

(a) The dollar amount of the retirement allowance received by the retiree at age sixty-five, to be known for the purposes of this section as the 'age sixty-five allowance';

(b) The index for the calendar year prior to the year that the retiree reached age sixty-five, to be known for purposes of this section as 'index A';

(c) The index for the calendar year prior to the date of determination, to be known for purposes of this section as 'index B';

(d) The ratio obtained when index B is divided by index A, to be known for the purposes of this section as the 'full purchasing power ratio'; and

(e) The value obtained when the retiree's age sixty-five allowance is multiplied by sixty percent of the retiree's full purchasing power ratio, to be known for the purposes of this section as the 'target benefit.'

(2) Beginning with the July payment, the retiree's age sixty-five allowance shall be adjusted to be equal to the retiree's target benefit. In no event, however, shall the adjusted allowance:

- (a) Be smaller than the retirement allowance received without the adjustment; nor
- (b) Differ from the previous year's allowance by more than three percent.

(3) For members who retire after age sixty-five, the age sixty-five allowance shall be the initial retirement allowance received by the member.

(4) For beneficiaries of members who die prior to age sixty-five: (a) The age sixty-five allowance shall be the allowance received by the beneficiary on the date the member would have turned age sixty-five; and (b) index A shall be the index for the calendar year prior to the year the member would have turned age sixty-five.

(5) Where the pension payable to a beneficiary was adjusted at the time the benefit commenced, the benefit provided by this section shall be adjusted in a manner consistent with the adjustment made to the beneficiary's pension.

(6) For the purposes of this section:

(a) 'Index' means, for any calendar year, that year's average consumer price index—Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor;

(b) 'Retired member' or 'retiree' means any member who has retired for service or because of duty or nonduty disability, or the surviving beneficiary of such a member."

Ms. Hine spoke in favor of adoption of the amendment, and it was adopted.

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

Representatives Hine, D. Sommers, Sayan, Leonard, Silver and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1322, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insløe, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Specker - 95.

Excused: Representatives Basich, Locke, Vekich - 3.

Engrossed Substitute House Bill No. 1322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1323, by Representatives Hine, Silver, Sayan, D. Sommers, Patrick, McLean, Bristow, H. Sommers, Bowman, Day, Wineberry, Dorn, Dellwo, Crane, Brough, Valle, Rector, Wang, Betzoff, R. Fisher, Fraser, Basich, O'Brien, Locke, May, P. King, Phillips, Pruitt, Brekke, Appelwick, Jacobsen, Van Luven, Wood and Horn; by request of Joint Committee on Pension Policy

Changing provisions relating to portability of public employment retirement benefits.

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

Representatives Hine, Silver and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1323, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser,

Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Basich, Locke, Vekich - 3.

House Bill No. 1323, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1021 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1021, by Representatives Hine, Silver, Sayan, D. Sommers, H. Sommers, Patrick, Anderson, Jacobsen, Smith, Wineberry, Prentice, Brough, Rector, Dellwo, May, Betrozoff, Cole, Ferguson, Wood, Horn, Walker, Todd, Winsley, Schoon, McLean, Moyer, Basich, P. King, Miller and Bowman; by request of Joint Committee on Pension Policy

Allowing school nurses to transfer their retirement accounts from city retirement systems to the state teachers' retirement system.

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

Representatives Hine and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1021, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting ye: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Basich, Locke, Vekich - 3.

House Bill No. 1021, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

The Speaker called the House to order.

Representative Locke appeared at the bar of the House.

MOTIONS

On motion of Mr. Ebersole, Representatives Hargrove and Sayan were excused. On motion of Ms. Miller, Representatives Betrozoff, Brooks, Horn and Schoon were excused.

Mr. Ebersole moved that the House immediately consider House Bill No. 1070 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1070, by Representatives Rector, Youngsman, G. Fisher, Padden, H. Myers, Patrick, Wolfe, Ferguson, D. Sommers, Walker, Wood, Dellwo, Kremen, P. King, Silver, Morris and Crane

Revising procedures on criminal procedure.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 29th Day, February 6, 1989.)

Mr. Appelwick moved adoption of the committee amendment on page 1, line 11.

Representatives Appelwick and Padden spoke in favor of adoption of the amendment, and Ms. Brough opposed it. Mr. Padden again spoke in favor of the amendment, and it was adopted.

Mr. Appelwick moved adoption of the committee amendment on page 1, line 27, and spoke in favor of it. The committee amendment was adopted.

Mr. Appelwick moved adoption of the committee amendment on page 2, line 10, and spoke in favor of it. The committee amendment was adopted.

Mr. Appelwick moved adoption of the committee amendment on page 2, line 19, and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Appelwick, the committee amendments to the title were adopted.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1070, and the bill passed the House by the following vote: Yeas, 88; nays, 1; absent, 1; excused, 8.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Bowman, Braddock, Brekke, Bristow, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representative Belcher - 1.

Absent: Representative Prentice - 1.

Excused: Representatives Basich, Betzoff, Brooks, Hargrove, Horn, Sayan, Schoon, Vekich - 8.

Engrossed House Bill No. 1070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease until 1:30 p.m.

AFTERNOON SESSION

The Speaker called the House to order at 1:30 p.m.

Representative Horn appeared at the bar of the House.

HOUSE BILL NO. 1258, by Representatives Scott, Patrick, Heavey, P. King, R. Meyers, Schmidt, Crane, Tate, Padden, Belcher, Inslee, Moyer, Prentice, Jacobsen, Holland, Kremen, Todd, G. Fisher, Winsley, Basich, Beck, Ballard, Baugher, Silver, Morris, Rector, Brough, Miller and Brumsickle

Making assaults on law enforcement personnel third degree assault.

(See Journal, 53rd Day, March 2, 1989, Afternoon Session, for previous action.)

Ms. R. Fisher moved adoption of the following amendment by Representatives Walker and R. Fisher:

On page 1, line 28, after "assault" insert "; or

(g) Assaults a fire investigator, fire inspector, or deputy state fire marshal employed by a county fire prevention bureau, county fire marshal's office, or the department of community development who was performing his or her official duties at the time of the assault"

Ms. R. Fisher spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House the following amendment to the title by Representatives Walker and R. Fisher was adopted:

On page 1, line 1 of the title, after "personnel" insert "and certain fire officials and personnel"

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

Representatives Scott and Patrick spoke in favor of passage of the bill, and Mr. Heavey opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1258, and the bill passed the House by the following vote: Yeas, 80; nays, 9; absent, 2; excused, 7.

Voting yea: Representatives Anderson, Ballard, Baugher, Beck, Bowman, Brekke, Bristow, Brough, Brumsickle, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Raiter, Rasmussen, Rayburn, Rector, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 80.

Voting nay: Representatives Appelwick, Belcher, Braddock, Cole, Heavey, Locke, Nutley, Pruitt, Rust - 9.

Absent: Representatives Sprenkle, Wilson K - 2.

Excused: Representatives Basich, Berozoff, Brooks, Hargrove, Sayan, Schoon, Vekich - 7.

Engrossed House Bill No. 1258, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 1019 and that the bill hold its place on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1047, by Representatives R. Meyers, Schmidt, Inslee and P. King

Modifying secured transaction requirements as they apply to crops.

The bill was read the second time.

Mr. R. Meyers moved adoption of the following amendment:

On page 1, line 17, after "covers" strike "~~((crops growing or to be grown or))~~" and insert "crops growing or to be grown or"

Representatives R. Meyers and Padden spoke in favor of adoption of the amendment, and it was adopted.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1047, and the bill passed the House by the following vote: Yeas, 89; absent, 2; excused, 7.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 89.

Absent: Representatives Sommers H, and Mr. Speaker - 2.

Excused: Representatives Basich, Berozoff, Brooks, Hargrove, Sayan, Schoon, Vekich - 7.

Engrossed House Bill No. 1047, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1319 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1319, by Representatives Ebersole, Locke, Wang, Winsley, R. King, Pruitt, Appelwick and Jacobsen

Adjusting the starting times of legislative sessions and elected officials' terms.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 40th Day, February 17, 1989.)

Ms. R. Fisher moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1698, by Representatives R. Fisher, McLean and Anderson; by request of Secretary of State

Consolidating standards for establishing precinct boundaries.

The bill was read the second time.

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

Representatives R. Fisher and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1698, and the bill passed the House by the following vote: Yeas, 89; nays, 1; absent, 1; excused, 7.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Bowman, Braddock, Brekke, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representative Sommers H - 1.

Absent: Representative Bristow - 1.

Excused: Representatives Basich, Berozoff, Brooks, Hargrove, Sayan, Schoon, Vekich - 7.

House Bill No. 1698, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1011 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1011, by Representatives P. King, S. Wilson and Scott
Creating an additional judicial position in Snohomish county.

The bill was read the second time. On motion of Mr. Grant, Substitute House Bill No. 1011 was substituted for House Bill No. 1011, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1011 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1011, and the bill passed the House by the following vote: Yeas, 90; absent, 1; excused, 7.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Absent: Representative Gallagher - 1.

Excused: Representatives Basich, Betrozoff, Brooks, Hargrove, Sayan, Schoon, Vekich - 7.

Substitute House Bill No. 1011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 1192 and that the bill hold its place on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1406, by Representatives Cole, Peery, Holland, Dorn, Hankins, Pruitt, Winsley, G. Fisher, Brumsickle, Ebersole, Miller, R. Fisher, R. Meyers, Phillips, Rasmussen, Wang, Rust, Jesernig, Jones, Ferguson, Cooper, Fraser, P. King, R. King, Hine, Dellwo, Sprenkle and Belcher

Establishing the school and educational service district pay equity and job analysis assessment project.

The bill was read the second time.

Mr. Ebersole moved that the rules be suspended, the second reading considered the third, and the bill be placed on final passage.

MOTION

Mr. Fuhrman moved that House Bill No. 1406 be referred to Committee on Appropriations.

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

Mr. Fuhrman spoke in favor of the motion to refer House Bill No. 1406 to Committee on Appropriations, and Mr. Ebersole spoke against it. Mr. Padden spoke in favor of the motion.

POINT OF ORDER

Mr. O'Brien: Our rules provide that you do not go into a discussion of the merits of a bill on a motion to refer, so you would have to hold it to the motion which we are discussing and not to the merits or demerits of the whole measure.

SPEAKER'S RULING

The Speaker: Thank you, Speaker O'Brien. Representative Padden, would you please limit your comments to the matter before us, which is a motion to refer the bill?

Mr. Padden concluded his remarks in favor of the motion. Mr. Peery spoke against the motion, and Representatives Brumsickle and Silver spoke in favor of it.

ROLL CALL

The Clerk called the roll on the motion by Representative Fuhrman to refer House Bill No. 1406 to Committee on Appropriations, and the motion was lost by the following vote: Yeas, 32; nays, 59; excused, 7.

Voting yea: Representatives Ballard, Beck, Bowman, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 32.

Voting nay: Representatives Anderson, Appelwick, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 59.

Excused: Representatives Basich, Betrozoff, Brooks, Hargrove, Sayan, Schoon, Vekich - 7.

With consent of the House, Mr. Ebersole withdrew the motion to suspend the rules and place House Bill No. 1406 on final passage.

MOTION

Mr. Ebersole moved that the House defer further consideration of House Bill No. 1406 and the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1414, by Representatives P. King, Dellwo and Appelwick: by request of Administrator for the Courts

Establishing a judicial information system fund.

The bill was read the second time. On motion of Mr. Appelwick, Substitute House Bill No. 1414 was substituted for House Bill No. 1414, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1414 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1414, and the bill passed the House by the following vote: Yeas, 89; absent, 2; excused, 7.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Brumsickle, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 89.

Absent: Representatives Cole, Gallagher - 2.

Excused: Representatives Basich, Betrozoff, Brooks, Hargrove, Sayan, Schoon, Vekich - 7.

Substitute House Bill No. 1414, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Betrozoff, Brooks and Schoon appeared at the bar of the House.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1643 on the regular second reading calendar. The motion was carried.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 1643, by Representatives Appelwick, Padden, Inslee, Miller, R. King, P. King, Dorn, Cole, Wineberry, Belcher, Dellwo, Leonard, Heavey, Crane, R. Meyers, K. Wilson, Wolfe, Rector, Prince, Brekke, Brough, Pruitt, Jacobsen, Fuhrman, Locke, Wang and Ferguson

Changing provisions relating to prejudgment interest.

The bill was read the second time. On motion of Mr. Appelwick, Substitute House Bill No. 1643 was substituted for House Bill No. 1643, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1643 was read the second time.

Ms. H. Sommers moved adoption of the following amendment by Representatives H. Sommers, Moyer, Rust, Raiter, Scott, Valle, Bristow, Rayburn, Haugen, Kremen, Peery, D. Sommers, Horn, Walker, Wood, Prentice, Zellinsky, Baugher, Ballard, Beck and Nealey:

On page 1, line 25, after "future" insert "economic or any"

Representatives H. Sommers and Moyer spoke in favor of adoption of the amendment, and Mr. Appelwick opposed it.

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

Representatives Wang, Padden and R. Meyers spoke against the amendment, and Mr. Sprengle spoke in favor of it.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative H. Sommers and others to Substitute House Bill No. 1643, and the amendment was adopted by the following vote: Yeas, 51; nays, 43; excused, 4.

Voting yea: Representatives Ballard, Baugher, Beck, Betrozoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Chandler, Day, Doty, Ferguson, Fuhrman, Gallagher, Hankins, Haugen, Holland, Horn, Kremen, May, McLean, Miller, Moyer, Nealey, O'Brien, Patrick, Peery, Prince, Raiter, Rasmussen, Rayburn, Rust, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Sprengle, Tate, Valle, Van Luven, Walk, Walker, Wilson S, Winsley, Wood, Youngsman, Zellinsky - 51.

Voting nay: Representatives Anderson, Appelwick, Belcher, Brekke, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, Padden, Phillips, Prentice, Pruitt, Rector, Schmidt, Spanel, Todd, Wang, Wilson K, Wineberry, Wolfe, and Mr. Speaker - 43.

Excused: Representatives Basich, Hargrove, Sayan, Vekich - 4.

MOTION

Mr. Ebersole moved that the House defer further consideration of Substitute House Bill No. 1643 and that the bill hold its place on the regular second reading calendar. The motion was carried.

Representative Sayan appeared at the bar of the House.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1104 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1104, by Representatives Valle, Van Luven, Rust, Brekke and Phillips; by request of Department of Ecology

Revising provisions for motor vehicle inspection and maintenance.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 1104 was substituted for House Bill No. 1104, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1104 was read the second time.

Mr. Holland moved adoption of the following amendment:

On page 3, line 2, after "tests," insert "The rules shall also require that, at the time of emission testing, a safety inspection of the vehicle's head lights, tail lights, and turn signals be conducted."

Representatives Holland, Rust, Nelson and Ferguson spoke in favor of adoption of the amendment, and Mr. Heavey opposed it.

The amendment was adopted.

Ms. Valle moved adoption of the following amendment by Representatives Valle, Brekke and D. Sommers:

On page 6, line 32, after "hundred" strike "fifty"

Representatives Valle, D. Sommers and Rust spoke in favor of adoption of the amendment, and Mr. Heavey opposed it.

The Speaker stated the question before the House to be the adoption of the amendment by Representative Valle and others.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 70; Nays - 22. The amendment was adopted.

Mr. D. Sommers moved adoption of the following amendment by Representatives D. Sommers, Beck, Moyer, Schoon, Walker, Heavey and Day:

On page 6, line 31, after "than" strike "two" and insert "one"

Mr. D. Sommers spoke in favor of adoption of the amendment.

POINT OF PARLIAMENTARY INQUIRY

Mr. Heavey: Mr. Speaker, the previous amendment dropped the "fifty" which would take us to two hundred dollars. If this amendment passes, it would take it to one hundred dollars. Is that correct, instead of one hundred fifty dollars, since the "fifty" disappeared in the previous amendment?

SPEAKER'S RULING

The Speaker: I have just learned of a Reed's Rule called filling of blanks. What we want to do is to go with the intention of the current amendments. The first amendment changed two hundred and fifty to two hundred, and we filled in that blank. The intention of the current amendment is to place one hundred and fifty dollars as the amount of the waiver. That is the intention of the amendment before us, and that is the way that we will rule. Thank you for raising the point. Representative Heavey.

Representatives Rust and Heavey spoke against adoption of the amendment, and Mr. Schoon spoke in favor of it.

Ms. Rust again spoke against the amendment.

The Speaker stated the question before the House to be the adoption of the amendment by Representative D. Sommers and others.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 37; Nays - 56. The amendment was not adopted.

Mr. Van. Luven moved adoption of the following amendment:

On page 6, line 31, after "than" strike "two hundred fifty" and insert "one hundred"

Mr. Van Luven spoke in favor of adoption of the amendment, and Ms. Rust opposed it.

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

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Van Luven to Substitute House Bill No. 1104, and the amendment was not adopted by the following vote: Yeas, 43; nays, 51; absent, 1; excused, 3.

Voting yea: Representatives Ballard, Baugher, Beck, Betzoff, Bristow, Brough, Chandler, Day, Dorn, Doty, Ferguson, Fuhrman, Hankins, Haugen, Holland, Horn, Kremen, May, McLean, Meyers R, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Schmidt, Schoon, Silver, Smith, Tate, Todd, Van Luven, Walk, Walker, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 43.

Voting nay: Representatives Anderson, Appelwick, Belcher, Bowman, Braddock, Brekke, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Fisher G, Fisher R, Fraser, Grant, Heavey, Hine, Insee, Jacobsen, Jesernig, Jones, King P, King R, Leonard, Locke, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers D, Sommers H, Spanel, Sprengle, Valle, Wang, Wilson K, and Mr. Speaker - 51.

Absent: Representative Gallagher - 1.

Excused: Representatives Basich, Hargrove, Vekich - 3.

Ms. Miller moved adoption of the following amendment by Representatives Miller, Smith, Hankins and Prince:

On page 6, line 31, beginning with "on" strike the material through "vehicle" on line 32

Ms. Miller spoke in favor of adoption of the amendment.

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

Representatives Heavey and Valle spoke against adoption of the amendment, and Representatives Van Luven and Smith spoke in favor of it.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Miller and others to Substitute House Bill No. 1104, and the amendment was not adopted by the following vote: Yeas, 46; nays, 48; absent, 1; excused, 3.

Voting yea: Representatives Appelwick, Ballard, Baugher, Beck, Betzoff, Bristow, Brooks, Brough, Chandler, Crane, Day, Dorn, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, Kremen, May, McLean, Meyers R, Miller, Morris, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Todd, Van Luven, Walk, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 46.

Voting nay: Representatives Anderson, Belcher, Bowman, Braddock, Brekke, Brumsickle, Cantwell, Cole, Cooper, Dellwo, Ebersole, Fisher G, Fisher R, Fraser, Grant, Haugen, Heavey, Hine, Insee, Jacobsen, Jesernig, Jones, King P, King R, Leonard, Locke, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Valle, Wang, Wilson K, Wineberry, and Mr. Speaker - 48.

Absent: Representative Gallagher - 1.

Excused: Representatives Basich, Hargrove, Vekich - 3.

Mr. D. Sommers moved adoption of the following amendment by Representatives D. Sommers and Heavey:

On page 10, line 3, after "January 1," strike "1995" and insert "1993"

Mr. D. Sommers spoke in favor of adoption of the amendment, and Ms. Valle spoke against it.

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

Representatives Heavey and Rust spoke against adoption of the amendment, and Mr. May spoke in favor of it.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representatives D. Sommers and Heavey to Substitute House Bill No. 1104, and the amendment was adopted by the following vote: Yeas, 55; nays, 38; absent, 2; excused, 3.

Voting yea: Representatives Ballard, Baugher, Beck, Betzoff, Bowman, Bristow, Brooks, Brough, Brumsickle, Chandler, Day, Dellwo, Dorn, Doty, Ferguson, Fisher G, Fuhrman, Grant, Hankins, Haugen, Heavey, Holland, Horn, Insee, Jesernig, King P, Kremen, May, McLean, Meyers R, Miller, Moyer, Nealey, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rector, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walk, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 55.

Voting nay: Representatives Anderson, Appelwick, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Ebersole, Fisher R, Fraser, Hine, Jacobsen, Jones, King R, Leonard, Locke, Morris, Myers H, Nelson, Nutley, O'Brien, Phillips, Prentice, Pruitt, Raiter, Rust, Saryan, Scott, Sommers H, Spanel, Sprenkle, Valle, Wang, Wilson K, Wineberry, and Mr. Speaker - 38.

Absent: Representatives Gallagher, Todd - 2.

Excused: Representatives Basich, Hargrove, Vekich - 3.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

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

MOTION

On motion of Mr. Ebersole, House Bill No. 1510 was referred from the suspension calendar to Committee on Rules.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:30 a.m., Wednesday, March 8, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 8, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Brekke, Brough, Vekich and K. Wilson. On motion of Ms. Miller, Representative Brough was excused. On motion of Ms. Fraser, Representatives Brekke, Vekich and K. Wilson were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Dave Finkbeiner and Jon Maule. Prayer was offered by The Reverend Dr. Walter Pulliam, Senior Pastor of the First Baptist Church of Olympia.

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

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

March 8, 1989

On this day in 1889, a horsebreeder near Cheney sold one hundred horses to the Army for one hundred dollars a head. The last time this breeder sold the Army horses, he left them untamed, and one recruit committed suicide rather than try to break such a "fierce-looking war-horse." This time, the breeder had broken his horses. And, the Westra Posten, a Swedish weekly newspaper published in Seattle and Tacoma, was established.

On this day in 1956 U.S. Senator Warren Magnuson spoke of economic interdependence on the Senate floor: "Business houses in Walla Walla cannot be prosperous for long unless the wheat growers of Whitman County are able to buy."

On March 8, 1973 the State Supreme Court refused to order the University of Washington's Law School to admit a white applicant who charged that racial minorities had been given extra consideration in the admissions process.

MESSAGES FROM THE SENATE

March 3, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5035,
 ENGROSSED SENATE BILL NO. 5040,
 SENATE BILL NO. 5079,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5098,
 SUBSTITUTE SENATE BILL NO. 5128,
 SENATE BILL NO. 5137,
 SUBSTITUTE SENATE BILL NO. 5193,
 SUBSTITUTE SENATE BILL NO. 5206,
 SUBSTITUTE SENATE BILL NO. 5213,
 SUBSTITUTE SENATE BILL NO. 5234,
 SENATE BILL NO. 5253,
 SUBSTITUTE SENATE BILL NO. 5263,
 SENATE BILL NO. 5277,
 SUBSTITUTE SENATE BILL NO. 5305,
 SENATE BILL NO. 5353,
 SENATE BILL NO. 5403,
 SUBSTITUTE SENATE BILL NO. 5486,
 SENATE BILL NO. 5487.

SENATE BILL NO. 5492,
 SUBSTITUTE SENATE BILL NO. 5501,
 SUBSTITUTE SENATE BILL NO. 5543,
 SUBSTITUTE SENATE BILL NO. 5561,
 SUBSTITUTE SENATE BILL NO. 5567,
 SUBSTITUTE SENATE BILL NO. 5594,
 SENATE BILL NO. 5595.

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 6, 1989

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5030,
 SUBSTITUTE SENATE BILL NO. 5293,
 SUBSTITUTE SENATE BILL NO. 5297,
 SUBSTITUTE SENATE BILL NO. 5299,
 ENGROSSED SENATE BILL NO. 5597,
 SUBSTITUTE SENATE BILL NO. 5614,
 ENGROSSED SENATE BILL NO. 5631,
 SUBSTITUTE SENATE BILL NO. 5633,
 SUBSTITUTE SENATE BILL NO. 5656,
 SENATE BILL NO. 5668,
 SENATE BILL NO. 5676,
 SENATE BILL NO. 5680,
 SUBSTITUTE SENATE BILL NO. 5686,
 SENATE BILL NO. 5700,
 SENATE BILL NO. 5701,
 SUBSTITUTE SENATE BILL NO. 5733,
 SUBSTITUTE SENATE BILL NO. 5807,
 SENATE BILL NO. 5874,
 SENATE BILL NO. 5966,
 SENATE BILL NO. 5983,
 SENATE JOINT MEMORIAL NO. 8010,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 2206 by Representatives Fraser, Belcher and Dorn

AN ACT Relating to use of school transportation funds for sidewalks; amending RCW 28A.24.055; and adding a new section to chapter 28A.41 RCW.

Referred to Committee on Education.

HB 2207 by Representatives Fraser and Belcher

AN ACT Relating to the creation of aquifer protection areas; and amending RCW 36.36.010, 36.36.020, and 36.36.040.

Referred to Committee on Local Government.

HB 2208 by Representatives Fraser, Belcher and Jacobsen

AN ACT Relating to wildlife rescue; amending RCW 82.36.330, 90.48.380, 90.48.390, and 90.48.400; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Fisheries & Wildlife.

HB 2209 by Representative Appelwick

AN ACT Relating to the uniform securities act of 1985; adding a new title to the Revised Code of Washington; repealing chapters 21.17, 21.20, and 21.30 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

HB 2210 by Representative Rust

AN ACT Relating to owners and operators of hazardous substance facilities; and amending RCW 70.105.215.

Referred to Committee on Environmental Affairs.

HB 2211 by Representatives Smith, Chandler and Ballard

AN ACT Relating to water discharge fees; and amending section 13, chapter 2, Laws of 1989 (Initiative Measure No. 97) and RCW 90.48._____.

Referred to Committee on Environmental Affairs.

SB 5030 by Senators Pullen and Niemi

Clarifying language relating to writs of certiorari.

Referred to Committee on Judiciary.

SSB 5035 by Committee on Children & Family Services (originally sponsored by Senators Kreidler, Smith, Stratton, Bauer and Rasmussen)

Providing for a program of insurance for foster parents.

Referred to Committee on Human Services.

ESB 5040 by Senators Pullen, Talmadge, Niemi, Nelson, Thorsness, McCaslin, Madsen, Lee and Rasmussen; by request of Department of Corrections

Changing the elements of the crime of introducing contraband in the first degree.

Referred to Committee on Judiciary.

SB 5079 by Senators Pullen and Talmadge

Discussing variable interest rates in relation to the uniform commercial code.

Referred to Committee on Judiciary.

ESSB 5098 by Committee on Energy & Utilities (originally sponsored by Senators Benitz, Stratton, Bluechel, Sutherland, Newhouse, Warnke, von Reichbauer, Matson, Vognild, Smitherman, Johnson, Bauer, Sellar, Saling and Madsen)

Regulating telecommunication companies.

Referred to Committee on Energy & Utilities.

SSB 5128 by Committee on Governmental Operations (originally sponsored by Senator McCaslin)

Specifying notice requirements for local improvements.

Referred to Committee on Local Government.

SB 5137 by Senators Johnson, Rasmussen, Smitherman, Nelson, von Reichbauer, Saling, Niemi, Moore, Hayner, Vognild, Warnke and Lee; by request of Joint Committee on Pension Policy

Allowing school nurses to transfer their retirement accounts from city retirement systems to the state teachers' retirement system.

Referred to Committee on Appropriations.

SSB 5193 by Committee on Health Care & Corrections (originally sponsored by Senators Amondson, Madsen, Anderson, Newhouse, Kreidler, McMullen, Talmadge and Warnke)

Revising provisions of the optometry statutes.

Referred to Committee on Health Care.

- SSB 5206 by Committee on Ways & Means (originally sponsored by Senators Gaspard and McDonald)
Changing provisions relating to the economic and revenue forecast council.
Referred to Committee on Revenue.
- SSB 5213 by Committee on Law & Justice (originally sponsored by Senators Pullen, Moore, Madsen, Nelson, McCaslin, Bluechel, Thorsness and Newhouse)
Extending the statute of limitations on written charge accounts.
Referred to Committee on Judiciary.
- SSB 5234 by Committee on Law & Justice (originally sponsored by Senators Pullen, Talmadge, Madsen, Rasmussen, Sutherland and Gaspard; by request of Washington State Patrol)
Revising provisions for the criminal identification system.
Referred to Committee on Judiciary.
- SB 5253 by Senators Metcalf, Saling, Stratton and West
Protecting federally designated sole source aquifers.
Referred to Committee on Environmental Affairs.
- SSB 5263 by Committee on Economic Development & Labor (originally sponsored by Senators Warnke, West, McMullen, Bender, Pullen, Bauer, Smitherman and Metcalf)
Providing for arbitration for unilaterally implemented proposals.
Referred to Committee on Commerce & Labor.
- SB 5277 by Senators McCaslin, DeJarnatt and Kreidler
Extending the period for fire district service charges.
Referred to Committee on Local Government.
- SSB 5293 by Committee on Higher Education (originally sponsored by Senator Conner)
Establishing college classes in Clallam or Jefferson county.
Referred to Committee on Higher Education.
- SSB 5297 by Committee on Governmental Operations (originally sponsored by Senators DeJarnatt and McCaslin)
Disallowing secret ballot voting at open public meetings.
Referred to Committee on State Government.
- SSB 5299 by Committee on Governmental Operations (originally sponsored by Senators Thorsness, DeJarnatt, Rasmussen and Smith; by request of Secretary of State)
Permitting voters to receive assistance in voting.
Referred to Committee on State Government.
- SSB 5305 by Committee on Law & Justice (originally sponsored by Senators Madsen, Metcalf, Hansen, McDonald, Benitz, Warnke, Matson, Pullen, Amondson, West and Newhouse)
Providing immunity for equine activities.
Referred to Committee on Judiciary.
- SB 5353 by Senators Johnson, Pullen, Vognild, von Reichbauer, Matson, West, Warnke, Gaspard, Bailey, Moore, Rasmussen, Madsen, Wojahn, Nelson, Lee, Kreidler, Conner, Thorsness, Owen, Metcalf, Stratton,

Smitherman, Williams, McMullen, McCaslin, Saling, Newhouse, Hansen, Anderson, Talmadge and Sutherland

Revising provisions for continued service credit for disabled law enforcement officers and fire fighters.

Referred to Committee on Appropriations.

SB 5403 by Senators McCaslin, DeJarnatt and Thorsness

Providing for greater cost efficiency in disposing of state surplus property.

Referred to Committee on State Government.

SSB 5486 by Committee on Economic Development & Labor (originally sponsored by Senators McCaslin, DeJarnatt, Thorsness and Johnson)

Revising provisions for real estate brokers and salespersons.

Referred to Committee on Commerce & Labor.

SB 5487 by Senators McCaslin, DeJarnatt and Thorsness

Requiring real estate licensees to disclose certain information in writing.

Referred to Committee on Commerce & Labor.

SB 5492 by Senators Nelson and Talmadge

Establishing immunity for health care providers in suits brought by a parent.

Referred to Committee on Judiciary.

SSB 5501 by Committee on Health Care & Corrections (originally sponsored by Senators West, Wojahn, Niemi, Johnson and Amondson; by request of Department of Corrections)

Modifying indemnification of contract providers to the department of corrections.

Referred to Committee on Health Care.

SSB 5543 by Committee on Economic Development & Labor (originally sponsored by Senators Lee, Smitherman, Kreidler and Niemi)

Regulating annual reports of nonprofit corporations.

Referred to Committee on Commerce & Labor.

SSB 5561 by Committee on Environment & Natural Resources (originally sponsored by Senators Barr, Sutherland, Benitz, Vognild, DeJarnatt, Sellar, Hansen, Bauer, Patterson and Nelson)

Assisting fin fish culture facilities.

Referred to Committee on Fisheries & Wildlife.

SSB 5567 by Committee on Law & Justice (originally sponsored by Senators McCaslin and Warnke; by request of Administrator for the Courts)

Clarifying district court fees.

Referred to Committee on Judiciary.

SSB 5594 by Committee on Health Care & Corrections (originally sponsored by Senators Nelson, West, Wojahn, Smith, Newhouse, Conner, Niemi and Sutherland)

Allowing prescriptions to be filled across state borders.

Referred to Committee on Health Care.

SB 5595 by Senators Nelson, Wojahn, Smith, Conner, Newhouse, Niemi, von Reichbauer and Johnson

Allowing distribution of drug samples.

Referred to Committee on Health Care.

- ESB 5597 by Senators Nelson, West, Newhouse, Smith, Conner, Wojahn and Niemi
Limiting pharmacists' liability.
Referred to Committee on Judiciary.
- SSB 5614 by Committee on Health Care & Corrections (originally sponsored by Senators West, Johnson and Wojahn)
Monitoring a substance abuse program for dentists.
Referred to Committee on Health Care.
- ESB 5631 by Senators West, Smitherman, Anderson, Warnke, Lee, Saling and Smith
Creating an interstate trade compact.
Referred to Committee on Trade & Economic Development.
- SSB 5633 by Committee on Education (originally sponsored by Senators Moore and Bailey)
Establishing a foreign language pilot program for elementary schools.
Referred to Committee on Education.
- SSB 5656 by Committee on Financial Institutions & Insurance (originally sponsored by Senators Lee, Smitherman, McMullen and Matson)
Limiting the amount of surety liability.
Referred to Committee on Financial Institutions & Insurance.
- SB 5668 by Senators Pullen and Talmadge
Providing for venue of juvenile proceedings.
Referred to Committee on Judiciary.
- SB 5676 by Senators Cantu, Bender, Patterson and McDonald
Designating state route number 901 a scenic highway.
Referred to Committee on Transportation.
- SB 5680 by Senators McCaslin, DeJarnatt and Thorsness; by request of State Auditor
Deleting obsolete language from the Revised Code of Washington.
Referred to Committee on State Government.
- SSB 5686 by Committee on Agriculture (originally sponsored by Senators Barr, Hansen, Newhouse, Bailey, Anderson and Gaspard)
Making major changes to agriculture statutes.
Referred to Committee on Agriculture & Rural Development.
- SB 5700 by Senators von Reichbauer, Moore and Sellar; by request of Department of General Administration
Cleaning up provisions of Title 30 RCW.
Referred to Committee on Financial Institutions & Insurance.
- SB 5701 by Senators von Reichbauer, Moore and Sellar; by request of Department of General Administration
Regulating financial institutions.
Referred to Committee on Financial Institutions & Insurance.

SSB 5733 by Committee on Law & Justice (originally sponsored by Senators Nelson, Talmadge and Newhouse)

Modifying the statute pertaining to trademark registration.

Referred to Committee on Judiciary.

SSB 5807 by Committee on Law & Justice (originally sponsored by Senators Pullen, Talmadge, Rasmussen, Fleming, Warnke, Metcalf, Newhouse, Niemi and Kreidler)

Protecting Indian and historic graves.

Referred to Committee on Judiciary.

SB 5874 by Senators Wojahn, von Reichbauer, Johnson, Madsen, Rasmussen, Gaspard, Smitherman, McCaslin, DeJarnatt, Owen, Thorsness and Sutherland

Providing for a maritime commemorative observance.

Referred to Committee on State Government.

SB 5966 by Senators Rinehart, Murray, Smitherman and McMullen

Providing the same family leave for adoptive parents as for birth parents.

Referred to Committee on Commerce & Labor.

SB 5983 by Senator Newhouse

Authorizing the superior court to retain for hearing water rights cases involving more than one thousand named defendants that would otherwise be referred to a referee.

Referred to Committee on Agriculture & Rural Development.

SJM 8010 by Senators West, Smitherman, Warnke, Anderson, Lee, Saling, Matson and Smith

Requesting Idaho and Oregon to enter into the joint trade compact.

Referred to Committee on Trade & Economic Development.

MOTION

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

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

SECOND READING

ANNOUNCEMENT BY THE SPEAKER

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

HOUSE BILL NO. 2001, by Representatives Rayburn, Baugher and Sayan

Revising provisions regarding livestock.

The bill was read the second time.

Ms. Rayburn moved that the committee recommendation be adopted (For committee amendments, see Journal, 43rd Day, February 20, 1989.) and the bill be advanced to third reading. Ms. Rayburn spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2001.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2001, and the bill passed the House by the following vote: Yeas, 93; absent, 1; excused, 4.

Voting yeas: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Appelwick - 1.

Excused: Representatives Brekke, Brough, Vekich, Wilson K - 4.

Engrossed House Bill No. 2001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Brough appeared at the bar of the House.

MOTION

Mr. Heavey moved that the House defer consideration of House Bill No. 1032 and that the bill hold its place on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1257, by Representatives Gallagher, S. Wilson, Baugher, Crane, R. Meyers, Day, Cantwell, Walk, Haugen and R. Fisher

Regulating overdimensional load service.

The bill was read the second time.

Mr. Walk moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Walk spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1257.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1257, and the bill passed the House by the following vote: Yeas, 94; absent, 1; excused, 3.

Voting yeas: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Appelwick - 1.

Excused: Representatives Brekke, Vekich, Wilson K - 3.

Substitute House Bill No. 1257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House defer consideration of House Bill No. 1286 and that the bill hold its place on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1352, by Representatives Morris, Prince, Rector and Sayan; by request of Governor Gardner

Broadening the definition of executive state officer.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted (For committee amendment, see Journal, 47th Day, February 24, 1989.) and the bill be advanced to third reading. Representatives R. Fisher and McLean spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1352.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1352, and the bill passed the House by the following vote: Yeas, 94; absent, 1; excused, 3.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Appelwick - 1.

Excused: Representatives Brekke, Vekich, Wilson K - 3.

Engrossed House Bill No. 1352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1404, by Representatives Braddock and Haugen

Creating exemption to interlocal cooperation contracts.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Cooper spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1404.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1404, and the bill passed the House by the following vote: Yeas, 94; absent, 1; excused, 3.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Appelwick - 1.

Excused: Representatives Brekke, Vekich, Wilson K - 3.

House Bill No. 1404, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1426, by Representatives Winsley, R. King and P. King

Relating to the hound stamp.

The bill was read the second time.

Mr. R. King moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. R. King spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1426.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1426, and the bill passed the House by the following vote: Yeas, 94; absent, 1; excused, 3.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Appelwick - 1.

Excused: Representatives Brække, Vekich, Wilson K - 3.

Substitute House Bill No. 1426, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1032 on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1032, by Representatives Holland, H. Sommers, Fuhrman, Sayan, Heavey and Betzoff; by request of Legislative Budget Committee

Providing for general obligation bonds.

The bill was read the second time.

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

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1032.

Representatives H. Sommers and Holland spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1032, and the bill passed the House by the following vote: Yeas, 94; absent, 1; excused, 3.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Appelwick - 1.

Excused: Representatives Brække, Vekich, Wilson K - 3.

House Bill No. 1032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1509, by Representatives Todd, Leonard, Cole, Crane, Dellwo and Prentice

Creating a legal holiday.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. R. Fisher spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1509.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1509, and the bill passed the House by the following vote: Yeas, 94; absent, 1; excused, 3.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Appelwick - 1.

Excused: Representatives Brekke, Vekich, Wilson K - 3.

Substitute House Bill No. 1509, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Appelwick appeared at the bar of the House.

HOUSE BILL NO. 1572, by Representatives R. Fisher and McLean; by request of Secretary of State

Clarifying procedures for nominations of minor parties and independent candidates.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. R. Fisher spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1572.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1572, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Brekke, Vekich, Wilson K - 3.

Substitute House Bill No. 1572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

The Speaker called the House to order.

Representatives Vekich and K. Wilson appeared at the bar of the House.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1160 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1160, by Representatives Leonard, Miller, Cole, Holland, Belcher, Winsley, Prentice, Wang, Valle, Pruitt, Sprenkle, Basich, Rasmussen, Nelson, Rust, Jones, Wineberry, Dorn, Bristow, Cantwell, Ebersole, Brooks, Scott, Hine, Moyer, Brekke, Jacobsen, R. King, Kremen, Todd, G. Fisher, Doty, P. King, O'Brien, Locke, Phillips, Crane and Fraser

Dealing with community-based family support centers.

The bill was read the second time. On motion of Mr. Grant, Substitute House Bill No. 1160 was substituted for House Bill No. 1160, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1160 was read the second time.

MOTION

Mr. Ebersole moved that the House defer further consideration of Substitute House Bill No. 1160 and that the bill hold its place on the second reading calendar. The motion was carried.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1548 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1548, by Representatives H. Myers, Appelwick, Moyer, Brough and Sprenkle; by request of Department of Social and Health Services

Changing requirements for establishing paternity.

The bill was read the second time. On motion of Mr. Appelwick, Substitute House Bill No. 1548 was substituted for House Bill No. 1548, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1548 was read the second time.

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

Representatives H. Myers, Padden, Sprenkle and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1548, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Gallagher - 1.

Excused: Representative Brekke - 1.

Substitute House Bill No. 1548, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately resume consideration of Substitute House Bill No. 1160 on the regular second reading calendar. The motion was carried.

SUBSTITUTE HOUSE BILL NO. 1160, by Committee on Human Services (originally sponsored by Representatives Leonard, Miller, Cole, Holland, Belcher, Winsley, Prentice, Wang, Valle, Pruitt, Sprengle, Basich, Rasmussen, Nelson, Rust, Jones, Wineberry, Dorn, Bristow, Cantwell, Ebersole, Brooks, Scott, Hine, Moyer, Brekke, Jacobsen, R. King, Kremen, Todd, G. Fisher, Doty, P. King, O'Brien, Locke, Phillips, Crane and Fraser)

Dealing with community-based family support centers.

Mr. Padden moved adoption of the following amendment by Representatives Padden, Ferguson and Wolfe:

On page 1, line 29, after "team." insert "Family support center programs are prohibited from performing abortions or making referrals for abortion."

POINT OF ORDER

Mr. Anderson: Thank you, Mr. Speaker. I would ask you to rule on the scope and object of this amendment.

SPEAKER'S RULING

The Speaker: Representative Anderson, the Speaker has examined Substitute House Bill No. 1160 and the floor amendment offered by Representative Padden and others. While it raised some interesting considerations, the Speaker has found that pretty clearly the intent of the bill is to establish and define the duties of these community-based family support centers, particularly when I looked at the original bill and found that referrals would be, in general, part of the duties of the commission. The Speaker finds that your point is not well taken, that the amendment is within the scope and object of the original bill.

MOTION

Mr. Ebersole moved that the House defer further consideration of Substitute House Bill No. 1160 and that the bill hold its place on the second reading calendar. The motion was carried.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 2030 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 2030, by Representatives Hine, Nelson, Phillips, Todd, Valle, K. Wilson, Haugen and Brekke

Restricting the composition of metropolitan municipal councils.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 2030 was substituted for House Bill No. 2030, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2030 was read the second time.

Ms. Brough moved adoption of the following amendments by Representatives Brough and Hine:

On page 1, line 16, strike "fifteen-member metropolitan council, three" and insert "eighteen-member metropolitan council, six"

On page 1, line 19, strike "three" and insert "six"

On page 1, beginning on line 20, strike "each member residing in, being nominated from, and being elected from a separate metropolitan council district" and insert "two members residing in, being nominated from, and being elected from each of three metropolitan council districts"

On page 3, line 29, after "4." insert "Each metropolitan council district shall have two directly elected positions, which shall be numbered as position one and position two. Candidates for directly elected metropolitan council positions shall run for a specific position."

On page 3, line 32, strike "each of the two newly elected council members" and insert "of the two council members from each council district, the newly elected council member"

On page 3, line 36, strike "each of the two newly elected council members" and insert "the newly elected council member"

On page 4, line 4, strike "a successor is" and insert "their successors are"

On page 5, line 16, strike "Three" and insert "Six"

On page 6, line 7, strike "three" and insert "six"

Representatives Brough, Schoon and Miller spoke in favor of adoption of the amendments, and Representatives Horn and Ferguson opposed them.

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

The amendments were adopted.

MOTIONS

On motion of Ms. Miller, Representative Hankins was excused. On motion of Mr. Heavey, Representative Zellinsky was excused.

Ms. Brough moved adoption of the following amendment by Representatives Brough, Hine, Nelson and Ferguson:

On page 4, line 26, after "RCW." insert "To the greatest extent possible, whether the metropolitan council establishes the metropolitan council districts or the county legislative authority establishes the metropolitan council districts by designating three sets of three adjacently located county council districts, all of the central city shall be located in a single metropolitan council district."

Ms. Brough spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Ms. Brough yielded to question by Mr. Heavey.

Mr. Heavey: Thank you, Mr. Speaker. Representative Brough, is it your intent to include a council district that is the west part of the city and extends to the Pierce County line as part of the central city district?

Ms. Brough: The county council district that starts in West Seattle and works its way down to Pierce County—I forget how many miles that is—probably, undoubtedly, should be lumped with southwest and southeast King County, so that there would be a cohesive voice from south county, a cohesive voice from central city, and a cohesive voice from the eastside. That's how the three metro districts would be arranged under this amendment.

Representatives Nelson and Horn spoke in favor of the amendment.

The amendment was adopted.

Mr. Schoon moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purpose of this act is to reduce the size of metropolitan councils and provide for the election of metropolitan council members.

NEW SECTION. Sec. 2. A metropolitan municipal corporation shall be governed by a metropolitan council consisting of a person appointed as chair of the metropolitan council, as provided in this section, and a number of elected council members equal in number to the lesser of eighteen or two times the number of members on the county legislative authority of the central county.

The chair of the council shall be appointed by the other members of the council. The chair shall not hold any other public office, or be an employee of or have a contractual relationship with any city, county, water district, or sewer district, or the metropolitan municipal corporation. The chair shall be appointed annually at the first meeting of the metropolitan council in each year, but shall serve at the pleasure of the metropolitan council and can be removed at any time during the year.

NEW SECTION. Sec. 3. Two council members shall reside in, be nominated from, and be elected from each metropolitan council district. The metropolitan council districts shall be identical with the county legislative authority districts of the central county if the boundaries of the metropolitan municipal corporation are coterminous with the boundaries of the central county and the central county has nine or fewer county legislative authority districts.

If these conditions do not exist, metropolitan council districts shall be drawn so that two metropolitan council members shall reside in, be nominated from, and be elected from each of the metropolitan council districts. The initial metropolitan council districts shall be drawn by the county legislative authority of the central county, but subsequently shall be drawn by the metropolitan council within six months of the date whenever state redistricting data is released to the state. Metropolitan council districts, as nearly as possible, shall follow precinct lines, follow neighborhood and community boundaries, and include approximately equal populations.

NEW SECTION. Sec. 4. The elected members of a metropolitan council shall be elected in general elections held in odd-numbered years for staggered four-year terms until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. The

two metropolitan council members from each metropolitan council district shall be elected in the same year.

NEW SECTION. Sec. 5. The chair of the county legislative authority of the central county shall select by lot a simple majority of the metropolitan council districts from which the initial metropolitan council members are elected with terms that are two years longer than the initial council members who are elected from the remaining metropolitan council districts. If the initial elected metropolitan council members were elected in an odd-numbered year, those initial elected members who are elected from districts with the designated longer initial terms shall be elected for four-year terms, and the others shall be elected to two-year terms, with the length of the term being calculated from the first day of January in the year following the election. If the initial elected metropolitan council members were elected in an even-numbered year, those initial elected members who are elected from districts with the designated longer initial terms shall be elected for three-year terms, and the others shall be elected to one-year terms, with the length of the term being calculated from the first day of January in the year following the election.

However, the terms of metropolitan council members shall be staggered to be identical with those of the members of the county legislative authority who are elected from the same districts if the county legislative authority districts of the central county are used to elect metropolitan council members, and members of the county legislative authority are elected for four-year terms in odd-numbered years.

The first order of business of the newly elected metropolitan council shall be to appoint a chair as provided for in section 2 of this act.

NEW SECTION. Sec. 6. The members of the metropolitan council of a newly created metropolitan municipal corporation shall be elected at the next general election occurring ninety or more days after the date of the election at which the favorable vote was cast authorizing the creation of the metropolitan municipal corporation. A primary election shall be held to nominate two candidates for each elected metropolitan council position unless the election to authorize the creation of the metropolitan municipal corporation was held on the September special election date, in which case no primary election shall be held.

NEW SECTION. Sec. 7. The metropolitan council of a metropolitan municipal corporation existing on the effective date of this act shall retain its existing composition until January 1, 1990, at which time the newly constituted metropolitan council shall assume control over the metropolitan municipal corporation. The first order of business of the newly constituted metropolitan council shall be to appoint a chair as provided for in section 2 of this act.

Two candidates for each elective position shall be nominated at the 1989 primary election, and a person shall be elected to each of the elective positions at the 1989 general election, who shall assume office in accordance with RCW 29.04.170. The terms of office of the elected members shall be staggered as provided in section 5 of this act. If county legislative authority districts of the central county are not used to elect metropolitan council members, the county legislative authority of the central county shall establish the metropolitan council districts prior to July 1, 1989.

NEW SECTION. Sec. 8. The metropolitan council shall appoint an eligible person to fill a vacancy in an elective metropolitan council position. The appointee shall serve until a successor is elected and qualified at the next general election occurring sixty or more days after the vacancy has occurred. The person who is elected at that election shall take office immediately after he or she is qualified and shall serve the remainder of the unexpired term. However, if at this next district general election an election would have otherwise been held to elect a person to the position in which a vacancy has occurred, a separate election shall not be held to elect a person to fill the vacancy during the remainder of the unexpired term. The person who is elected at this election for this position shall take office immediately upon being qualified and shall serve for both the remainder of the unexpired term in addition to the full term to which he or she is elected.

NEW SECTION. Sec. 9. Each member of a metropolitan council shall receive per diem compensation at a rate of fifty dollars per day for each day or major portion thereof devoted to the business of the metropolitan municipal corporation, or for attending each meeting of the council or a subcommittee of the council, unless the council reduces the per diem rate of compensation, but not to exceed a total of seven thousand dollars in any one year.

Additionally, each member of a metropolitan council shall receive a salary equal to the maximum salary paid to a member of the Washington state legislature.

Council members shall be reimbursed for reasonable expenses actually incurred in the conduct of official business for the metropolitan municipal corporation.

Sec. 10. Section 35.58.040, chapter 7, Laws of 1965 as last amended by section 3, chapter 303, Laws of 1971 ex. sess. and RCW 35.58.040 are each amended to read as follows:

~~((At the time of its formation no metropolitan municipal corporation shall include only a part of any city, and every city shall be either wholly included or wholly excluded from the boundaries of such corporation. If subsequent to the formation of a metropolitan municipal corporation a part only of any city shall be included within the boundaries of a metropolitan municipal corporation such part shall be deemed to be "unincorporated" for the purpose of~~

~~selecting a member of the metropolitan council pursuant to RCW 35.58.120(3) and such city shall neither select nor participate in the selection of a member on the metropolitan council pursuant to RCW 35.58.120.)~~

Any metropolitan municipal corporation now existing or hereafter created, within a class A county contiguous to a class AA county or class AA county, shall, upon May 21, 1971 as to metropolitan corporations existing on such date or upon the date of formation as to metropolitan corporations formed after May 21, 1971, have the same boundaries as those of the respective central county of such metropolitan corporation: PROVIDED, That the boundaries of such metropolitan corporation may be enlarged after such date by annexation as provided in chapter 35.58 RCW as now or hereafter amended. Any contiguous metropolitan municipal corporations may be consolidated into a single metropolitan municipal corporation upon such terms, for the purpose of performing such metropolitan function or functions, and to be effective at such time as may be approved by resolutions of the respective metropolitan councils. In the event of such consolidation the component city with the largest population shall be the central city of such consolidated metropolitan municipal corporation and the component county with the largest population shall be the central county of such consolidated metropolitan municipal corporation.

Sec. 11. Section 4, chapter 277, Laws of 1977 ex. sess. and RCW 36.56.040 are each amended to read as follows:

If, from the testimony given before the county legislative authority, it appears that the public interest or welfare would be satisfied by the county assuming the rights, powers, functions, and obligations of the metropolitan municipal corporation, the county legislative authority may declare that to be its intent and assume such rights, powers, functions, and obligations by ordinance or resolution, as the case may be, providing that the county shall be vested with every right, power, function, and obligation currently granted to or possessed by the metropolitan municipal corporation pursuant to chapter 35.58 RCW (including RCW 35.58.273 relating to levy and use of the motor vehicle excise tax) or other provision of state law, including but not limited to, the power and authority to levy a sales and use tax pursuant to chapter 82.14 RCW or other provision of law: PROVIDED, That such ordinance or resolution shall be submitted to the voters of the county for their adoption and ratification or rejection, and if a majority of the persons voting on the proposition residing within the central city shall vote in favor thereof and a majority of the persons voting on the proposition residing in the metropolitan area outside of the central city shall vote in favor thereof, the ordinance or resolution shall be deemed adopted and ratified.

Upon assumption of the rights, powers, functions, and obligations of the metropolitan municipal corporation by the county, the metropolitan council established pursuant to ~~((the provisions of RCW 35.58.120 through 35.58.160))~~ sections 2 through 6 of this act shall be abolished, said provisions shall be inapplicable to the county, and the county legislative authority shall thereafter be vested with all rights, powers, duties, and obligations otherwise vested by law in the metropolitan council: PROVIDED, That in any county with a home rule charter such rights, powers, functions, and obligations shall vest in accordance with the executive and legislative responsibilities defined in such charter.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 10, chapter 105, Laws of 1967, section 4, chapter 303, Laws of 1971 ex. sess. and RCW 35.58.118;

(2) Section 35.58.120, chapter 7, Laws of 1965, section 3, chapter 105, Laws of 1967, section 1, chapter 135, Laws of 1969 ex. sess., section 5, chapter 303, Laws of 1971 ex. sess., section 5, chapter 70, Laws of 1974 ex. sess., section 3, chapter 190, Laws of 1981, section 1, chapter 92, Laws of 1983 and RCW 35.58.120;

(3) Section 35.58.130, chapter 7, Laws of 1965 and RCW 35.58.130;

(4) Section 35.58.140, chapter 7, Laws of 1965, section 4, chapter 105, Laws of 1967, section 2, chapter 135, Laws of 1969 ex. sess., section 6, chapter 303, Laws of 1971 ex. sess. and RCW 35.58.140;

(5) Section 35.58.150, chapter 7, Laws of 1965, section 5, chapter 105, Laws of 1967, section 1, chapter 44, Laws of 1984 and RCW 35.58.150; and

(6) Section 35.58.160, chapter 7, Laws of 1965, section 2, chapter 84, Laws of 1974 ex. sess., section 1, chapter 330, Laws of 1985 and RCW 35.58.160.

NEW SECTION. Sec. 13. Sections 2 through 9 of this act are each added to chapter 35.58 RCW.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Mr. Schoon spoke in favor of adoption of the amendment, and Representatives Ferguson, Haugen and Horn spoke against it. Mr. Schoon again spoke in favor of the amendment.

The amendment was not adopted.

The Speaker declared the House to be at ease until 1:45 p.m.

AFTERNOON SESSION

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

Representatives Brekke and Zellinsky appeared at the bar of the House.

The House resumed consideration of Substitute House Bill No. 2030 on second reading.

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

Representatives Hine, Schoon, Crane, Ferguson, Nelson, May, Horn and Phillips spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2030, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Hargrove - 1.

Excused: Representative Hankins - 1.

Engrossed Substitute House Bill No. 2030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1547 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1547, by Representatives Schmidt, Appelwick, Moyer, Brough, Van Luven and Schoon; by request of Department of Social and Health Services

Providing for medical support enforcement.

The bill was read the second time. On motion of Mr. Heavey, Substitute House Bill No. 1547 was substituted for House Bill No. 1547, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1547 was read the second time.

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

Representatives Schmidt, Ferguson, Crane and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1547, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips,

Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Nealey - 1.

Excused: Representative Hankins - 1.

Substitute House Bill No. 1547, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Please indicate that I wanted to vote "Yes" on Substitute House Bill No. 1547.

DARWIN R. NEALEY, 9th District.

With consent of the House, Representatives Day and Dellwo were excused.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1133 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1133, by Representatives Wineberry, Cantwell, Brough, Kremen, Schoon, Hine, Holland, Rasmussen, Miller, Ebersole, Doty, Locke, Winsley, H. Sommers, Anderson, Wang, Valle, Rust, R. King, Bristow, Sprengle, Leonard, Vekich, Prentice, Beck, K. Wilson, Rector, Spanel, Cole, Basich, Jones, Braddock, Betzoff, Nelson, Walker, Tate, Heavey, G. Fisher, Crane, O'Brien, Walk, Scott, Patrick, Dellwo, Zellinsky, Jesernig, Belcher, R. Fisher, Sayan, Pruitt, Wood, Brekke, Insee, Fuhrman, Moyer, Todd, H. Myers, Brumsickle, Van Luven, Phillips, May and P. King

Encouraging employer involvement in child care facilities development and services.

The bill was read the second time. On motion of Mr. Grant, Substitute House Bill No. 1133 was substituted for House Bill No. 1133, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1133 was read the second time.

Mr. Wineberry moved adoption of the following amendments by Representatives Wineberry, Moyer and Cantwell:

On page 5, line 25 after "with," insert "the business assistance center established under RCW 43.31.085 and"

On page 7, after line 6 insert the following:

"Sec. 5. Section 11, chapter 466, Laws of 1985 as amended by section 3, chapter 348, Laws of 1987 and RCW 43.31.085 are each amended to read as follows:

The business assistance center shall:

(1) Serve as the state's lead agency and advocate for the development and conservation of businesses.

(2) Coordinate the delivery of state programs to assist businesses.

(3) Provide comprehensive referral services to businesses requiring government assistance.

(4) Serve as the business ombudsman within state government and advise the governor and the legislature of the need for new legislation to improve the effectiveness of state programs to assist businesses.

(5) Aggressively promote business awareness of the state's business programs and distribute information on the services available to businesses.

(6) Develop, in concert with local economic development and business assistance organizations, coordinated processes that complement both state and local activities and services.

(7) The business assistance center shall work with other federal, state, and local agencies and organizations to ensure that business assistance services including small business, trade services, and distressed area programs are provided in a coordinated and cost-effective manner.

(8) Assist the child care partnership program established under section 4 of this act by:

(a) Consulting with the child care partnership program regarding effective means to prepare and provide child care information to employers;

(b) Disseminating publications and other written information developed by the child care partnership program to businesses requesting such information;

(c) Referring businesses seeking information regarding child care to the child care partnership program; and

(d) Upon the request of the child care resource coordinator, locating a representative of the child care partnership program in the offices of the business assistance center."

Renumber remaining sections consecutively and correct internal references accordingly.

Representatives Wineberry and Moyer spoke in favor of adoption of the amendments, and they were adopted.

POINT OF ORDER

Mr. Schoon: My point of order is that I object because the words on the amendment that we passed cannot be identified in the Appropriations bill in a logical sequence to tell where that amendment fits. I think the amendment needs to be rewritten to identify correctly the bill which we should be working and which is the Appropriations bill.

MOTION

Mr. Ebersole moved that the House defer further consideration of Substitute House Bill No. 1133 and that the bill hold its place on the second reading calendar. The motion was carried.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1581 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1581, by Representatives Wang, Brough, Cole, Miller, Vekich, Anderson, R. King, Winsley, Hankins, Rector, Brekke, Appelwick, Jacobsen, Leonard, Dellwo, Nutley, Locke, Belcher, H. Sommers, R. Fisher, Wineberry, Sayan, Prentice, Valle, Crane, Nelson, Ebersole, Fraser, Phillips, Rust and Basich

Providing for family and medical leave.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Commerce & Labor as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

On motion of Mr. Grant, Substitute House Bill No. 1581 was substituted for House Bill No. 1581, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1581 was read the second time.

Mr. Grant moved adoption of the committee amendment by Committee on Appropriations.

Mr. Dorn moved adoption of the following amendment by Representatives Dorn, Braddock, Wang, Patrick, Vekich and Miller to the committee amendment:

On page 2, beginning on line 22 of the Appropriations Committee amendment, after "completed" strike all material through "less" on line 26 and insert "at least one year of employment"

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

Ms. Haugen moved adoption of the following amendment by Representatives Haugen, Patrick, Wang, Vekich and Miller to the committee amendment:

On page 3, beginning on line 17 of the Appropriations Committee amendment, after "months;" strike all material through "subdivision." on line 24 and insert:

"(b) The state; and

(c) Any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision, that employed thirty-five or more persons in this state within a twenty-mile radius of the employee's workplace during any calendar quarter of the previous twelve months: PROVIDED, That until October 1, 1991 'employer' is limited to any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation or political subdivision, that employed fifty or more persons in this state within a twenty-mile radius of the employee's workplace during any calendar quarter of the previous twelve months."

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

Mr. Zellinsky moved adoption of the following amendment by Representatives Zellinsky, Patrick, Miller, Wang, Cooper, Bristow, Haugen and Vekich:

Beginning on page 11, line 32 of the Appropriations Committee amendment, after "Sec. 9." strike the remainder of section 9 and insert:

"If the employer provided medical, dental, or disability benefits to an employee prior to leave under section 3 or 4 of this act, and the employee is not eligible for any employer contribution to medical, dental, or disability benefits under the applicable collective bargaining agreement or employer policy during any period of leave, the employer shall allow the employee to elect to continue the employee's medical, dental, and disability benefits, including any spouse and dependent coverage. The coverage shall be identical to the coverage provided to similarly situated persons not on leave and the premium to be paid by the employee shall not exceed one hundred two percent of the applicable premium for the leave period."

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

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

On motion of Mr. Ebersole, the committee amendment to the title was adopted.

The bill was ordered engrossed.

MOTION

Mr. Ebersole moved that the House defer further consideration of Engrossed Substitute House Bill No. 1581 and that the bill hold its place on the second reading calendar. The motion was carried.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1582 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1582, by Representatives Cole, Peery, Ebersole, Prentice, Todd, Jones, Scott, Leonard, Valle, Rasmussen, P. King, Pruitt, Jacobsen, Appelwick, Anderson, Winsley, R. Fisher, Wang, Wineberry, R. King, Belcher, Rust, H. Myers, Crane, Phillips and Brekke

Establishing a before and after school child care pilot program.

The bill was read the second time. On motion of Mr. Grant, Substitute House Bill No. 1582 was substituted for House Bill No. 1582, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1582 was read the second time.

MOTION

Mr. Heavey moved that the House defer further consideration of Substitute House Bill No. 1582 and that the bill hold its place on the second reading calendar. The motion was carried.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1369 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1369, by Representatives Brough and Rust

Promoting improvements of waterfront sewer systems.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 1369 was substituted for House Bill No. 1369, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1369 was read the second time.

Mr. Schoon moved adoption of the following amendments:

On page 1, line 11, after "Many" strike "of these homes" and insert "homes and commercial buildings"

On page 1, line 15, after "residences" insert "and commercial buildings"

On page 1, line 19, strike "single-family saltwater-front residences" and insert "saltwater-front single-family residences and commercial buildings"

On page 1, line 22, after "homeowners" insert "and commercial building owners"

On page 1, line 23, after "homes" insert "and commercial buildings"

On page 1, line 26, after "residences" insert "or commercial buildings"

On page 2, line 4, after "residence" insert "or commercial building"

On page 2, line 18, after "residence" insert "or commercial building"

Mr. Schoon spoke in favor of adoption of the amendments, and Ms. Rust opposed them.

The amendments were not adopted.

Mr. Jones moved adoption of the following amendment by Representatives Jones and D. Sommers:

On page 2, line 33, after "1989." insert "If standards are not adopted by October 31, 1989, or if the standards fail to address nutrient loading and bacteria levels, the State Board of Health shall adopt standards for nutrient loading and bacteria levels by January 1, 1990."

Representatives Jones and D. Sommers spoke in favor of adoption of the amendment, and it was adopted.

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

Representatives Brough and Rust spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. Rust yielded to question by Ms. Brough.

Ms. Brough: Thank you, Representative Rust. What happens if the State Board of Health adopts standards for replacing and repairing existing saltwater-front on-site sewage disposal systems by October 31, 1989, but does not adopt expansion standards by this date?

Ms. Rust: In that case this act will not take effect. The State Board of Health only needs to adopt standards for repairing and replacing existing saltwater systems to prevent this bill from taking effect.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1369, and the bill passed the House by the following vote: Yeas, 92; nays, 3; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doly, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prentice, Prince, Pruitt, Rafter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Phillips, Sprenkle, Wilson K - 3.

Excused: Representatives Day, Dellwo, Hankins - 3.

Engrossed Substitute House Bill No. 1369, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Ms. Fraser, Representative Wang was excused. On motion of Ms. Bowman, Representative Schoon was excused.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1406 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1406, by Representatives Cole, Peery, Holland, Dorn, Hankins, Pruitt, Winsley, G. Fisher, Brumsickle, Ebersole, Miller, R. Fisher, R. Meyers, Phillips, Rasmussen, Wang, Rust, Jesernig, Jones, Ferguson, Cooper, Fraser, P. King, R. King, Hine, Dellwo, Sprengle and Belcher

Establishing the school and educational service district pay equity and job analysis assessment project.

(See Journal, 58th Day, March 7, 1989, Afternoon Session, for previous action.)

Mr. Peery moved adoption of the following amendment by Representatives Peery and Cole:

On page 3, after line 4, strike all of section 7 and renumber remaining section

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

With consent of the House, the following amendment to the title was adopted: On page 1, line 2 of the title, strike "making an appropriation;"

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

Representatives Cole, Dorn, Betzoff and Sayan spoke in favor of passage of the bill, and Mr. Fuhrman opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1406, and the bill passed the House by the following vote: Yeas, 83; nays, 10; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Ballard, Chandler, Fuhrman, Horn, McLean, Padden, Smith, Sommers D, Walk, Wolfe - 10.

Excused: Representatives Day, Dellwo, Hankins, Schoon, Wang - 5.

Engrossed House Bill No. 1406, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1192 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1192, by Representatives Haugen, Ferguson, Kremen, Winsley, Baugher, Fuhrman, Bristow, Rayburn, Nealey, Cooper, Smith, Raiter, Doty, H. Myers, Rasmussen and Miller

Authorizing special assessments and a grant program for conservation districts.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1192 was substituted for House Bill No. 1192, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1192 was read the second time.

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

On page 3, line 11, strike "are located in a" and insert "is both owned by the same person or entity and is located in the same"

Representatives Haugen and Ferguson spoke in favor of adoption of the amendment, and it was adopted.

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

Representatives Haugen, Ferguson and Rayburn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1192, and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Day, Dellwo, Hankins, Schoon, Wang - 5.

Engrossed Substitute House Bill No. 1192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1504 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1504, by Representatives R. King, D. Sommers, Todd, Belcher, Fraser, S. Wilson, Schmidt, Phillips and Cooper

Providing for the evaluation of indoor air quality in public buildings.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 1504 was substituted for House Bill No. 1504, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1504 was read the second time.

Mr. R. King moved adoption of the following amendment:
On page 3, line 5, after "instruction" strike "shall" and insert "may"

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1504, and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Day, Dellwo, Hankins, Schoon, Wang - 5.

Engrossed Substitute House Bill No. 1504, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1656 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1656, by Representative Crane

Changing land development regulations.

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

Representatives Crane and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1656, and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Day, Dellwo, Hankins, Schoon, Wang - 5.

House Bill No. 1656, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1912 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1912, by Representatives Bowman, Patrick, Brumsickle, Belcher, Padden, Tate, Walker, Wolfe, Silver, Fraser, Van Luven, Schmidt, Moyer, Brough, Betzoff, Locke, Brooks, Vekich, Appelwick, Wood, Youngsman, McLean, Baugher, D. Sommers, Scott, Holland, Horn, Winsley, Dorn, Doty and Rasmussen

Authorizing a juvenile court administrator to fingerprint juvenile offenders under certain conditions.

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

Representatives Bowman and Crane spoke in favor of passage of the bill, and Representatives Heavey and Locke opposed it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1912, and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Day, Dellwo, Hankins, Schoon, Wang - 5.

House Bill No. 1912, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1583 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1583, by Representatives Bristow, Belcher, Kremen, Wineberry, Valle, Sprengle, Peery, Leonard, Cole, Appelwick, Ebersole, Winsley, R. Fisher, Wang, Pruitt, P. King, Todd, Jones, Rust, Scott, Jacobsen, Rasmussen, Spanel, Crane, Basich and Phillips

Dealing with child care facilities.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Human Services as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

On motion of Mr. Locke, Substitute House Bill No. 1583 was substituted for House Bill No. 1583, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1583 was read the second time.

Mr. Locke moved adoption of the committee amendment by Committee on Appropriations.

The Clerk read the following amendment by Representative Appelwick to the committee amendment:

On page 2, line 6, after "receives" insert "more than three"

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

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

On page 2, line 7, after "outside" strike "their" and insert "those children's"

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

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

On page 2, line 9, following "basis," insert "A church which provides child care on an irregular basis, without compensation, shall not be considered a child care facility."

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

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

On page 2, line 24, after "compensation," strike all language through and including "parents" on line 25 and insert "or who"

Representatives Appelwick, Zellinsky, Hargrove and Moyer spoke in favor of adoption of the amendment to the committee amendment, and Representatives Belcher, Cole, Brekke and Peery opposed it.

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

Mr. Appelwick again spoke in favor of the amendment to the committee amendment. Mr. Padden spoke in favor of adoption of the amendment, and Representatives Leonard and K. Wilson spoke against it.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Appelwick to the committee amendment to Substitute House Bill No. 1583, and the amendment to the committee amendment was adopted by the following vote: Yeas, 63; nays, 30; excused, 5.

Voting yea: Representatives Appelwick, Ballard, Basich, Baugher, Beck, Betrozoff, Bowman, Braddock, Brough, Brumsickle, Cantwell, Chandler, Cooper, Crane, Dorn, Doty, Ferguson, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, Kremen, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, O'Brien, Padden, Patrick, Prince, Rasmussen, Rayburn, Sayan, Schmidt, Silver, Smith, Sommers D, Sommers H, Sprenkle, Tate, Van Luven, Walk, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 63.

Voting nay: Representatives Anderson, Belcher, Brekke, Bristow, Brooks, Cole, Ebersole, Fisher G, Fisher R, Fraser, Hine, King R, Leonard, Locke, Nelson, Nutley, Peery, Phillips, Prentice, Pruitt, Raiter, Rector, Rust, Scott, Spanel, Todd, Valle, Vekich, Wilson K, Wineberry - 30.

Excused: Representatives Day, Dellwo, Hankins, Schoon, Wang - 5.

The Clerk read the following amendment by Representative Fuhrman to the committee amendment:

On page 3, following line 17, insert "(12) Child care programs run by churches."

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

Ms. Doty moved adoption of the following amendment to the committee amendment:

On page 16, following line 7, insert a new section as follows:

NEW SECTION. Sec. 24. No person shall be found to be in violation of this act solely because the number of children at the facility is greater than the amount allowed under this act, if the operator can demonstrate that the excessive number of children is not a normal occurrence and was caused by a temporary emergency situation."

Renumber remaining sections consecutively.

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

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

On page 9, line 28, after "exceed" strike "five" and insert "one"

Mr. Nealey spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

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

On page 16, line 5, after "of" strike the blank and insert "three million one hundred thousand"

Mr. Bristow spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The committee amendment as amended was adopted.

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

The bill was ordered engrossed and passed to Committee on Rules for third reading.

MOTION

Mr. Heavey moved that the House immediately resume consideration of Engrossed Substitute House Bill No. 1581 on the regular second reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1581, by Committee on Commerce & Labor (originally sponsored by Representatives Wang, Brough, Cole, Miller, Vekich, Anderson, R. King, Winsley, Hankins, Rector, Brekke, Appelwick, Jacobsen, Leonard, Dellwo, Nutley, Locke, Belcher, H. Sommers, R. Fisher, Wineberry, Sayan, Prentice, Valle, Crane, Nelson, Ebersole, Fraser, Phillips, Rust and Basich)

Providing for family and medical leave.

The bill was passed to Committee on Rules for third reading.

MOTION

Mr. Heavey moved that the House immediately resume consideration of Substitute House Bill No. 1582 on the regular second reading calendar. The motion was carried.

SUBSTITUTE HOUSE BILL NO. 1582, by Committee on Appropriations (originally sponsored by Representatives Cole, Peery, Ebersole, Prentice, Todd, Jones, Scott, Leonard, Valle, Rasmussen, P. King, Pruitt, Jacobsen, Appelwick, Anderson, Winsley, R. Fisher, Wang, Wineberry, R. King, Belcher, Rust, H. Myers Crane, Phillips and Brekke)

Establishing a before and after school child care pilot program.

The bill was passed to Committee on Rules for third reading.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Representative Schoon appeared at the bar of the House.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1584 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1584, by Representatives Bristow, Kremen, Belcher, Brough, Valle, Wineberry, Sprenkle, Peery, Leonard, Cole, Appelwick, Ebersole, Winsley, R. Fisher, Wang, Miller, Pruitt, Todd, Jones, Rust, Scott, Jacobsen, Rasmussen, Spanel, Dorn, Crane, Basich and Phillips

Dealing with child care facilities.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Human Services as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

On motion of Mr. Bristow, Substitute House Bill No. 1584 was substituted for House Bill No. 1584, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1584 was read the second time.

Mr. Locke moved adoption of the committee amendment. Mr. Bristow spoke in favor of adoption of the committee amendment, and it was adopted.

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

The bill was ordered engrossed and passed to Committee on Rules for third reading.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1587 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1587, by Representatives Nutley, Haugen, Braddock, Winsley, R. Fisher, Wang, Pruitt, Wineberry, Todd, Leonard, Jones, Rust, Jacobsen and Phillips

Encouraging the dispersion of child care facilities throughout Washington.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 40th Day, February 17, 1989.)

Ms. Haugen moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

Ms. Nutley moved adoption of the following amendment by Representatives Nutley and Haugen:

On page 4, beginning on line 7, strike "association of county officials" and insert "state association of counties"

Ms. Nutley spoke in favor of adoption of the amendment, and it was adopted.

Ms. Nutley moved adoption of the following amendment by Representatives Nutley and Haugen:

On page 4, line 13, beginning with "The" strike all the material down to and including "11." on line 18

Ms. Nutley spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 5 of the title, strike "creating new sections; and making an appropriation" and insert "and creating new sections"

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1587, and the bill passed the House by the following vote: Yeas, 93; absent, 1; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representative O'Brien - 1.

Excused: Representatives Day, Dellwo, Hankins, Wang - 4.

Engrossed House Bill No. 1587, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1963, by Representatives Vekich, Brooks, Braddock, Morris, Bristow, Day, Sprenkle, Spanel, Wolfe, Rector, K. Wilson, D. Sommers, Cantwell, Jones, Wang, Todd, Prentice, Winsley, P. King, Heavey, Walk, Cooper, Jacobsen, R. King, Brough, Basich, Dellwo, Zellinsky, Kremen, Phillips, Pruitt, Nelson, Hine, G. Fisher, Rust, Rasmussen, Leonard, H. Myers, Fraser and Miller

Establishing the maternity care access act.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 1963 was substituted for House Bill No. 1963, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1963 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1378, by Representatives Braddock, Sprenkle, Vekich, Cantwell, Cole, Rust, Anderson, Basich, Sayan, Fraser and Phillips; by request of Governor Gardner

Changing provisions relating to health care costs and access to health care.

The bill was read the second time. On motion of Mr. Braddock, Second Substitute House Bill No. 1378 was substituted for House Bill No. 1378, and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1378 was read the second time and passed to Committee on Rules for third reading.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1019 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1019, by Representatives P. King and Scott

Allowing home detention for certain burglars.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 29th Day, February 6, 1989.)

Mr. Appelwick moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

The Clerk read the following amendments by Representatives Brough, Padden, P. King and Appelwick:

On page 6, line 28, after "offense," strike ~~"for the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug"~~ and insert "any drug offense"

On page 6, line 35, after "9A.46.020." insert "Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by Treatment Alternatives to Street Crimes (TASC) or a comparable court or agency-referred program."

With consent of the House, Ms. Brough withdrew the amendments.

Ms. Brough moved adoption of the following amendments by Representatives Brough, Padden, P. King and Appelwick:

On page 6, line 28, after "offense," strike ~~"for the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug"~~ and insert "((for the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug)) any drug offense"

On page 6, line 35, after "9A.46.020." insert "Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by Treatment Alternatives to Street Crimes (TASC) or a comparable court or agency-referred program."

Ms. Brough spoke in favor of adoption of the amendments, and they were adopted.

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

Mr. P. King spoke in favor of passage of the bill, and Ms. Schmidt opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1019, and the bill passed the House by the following vote: Yeas, 75; nays, 19; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Haugen, Holland, Horn, Jacobsen, Jones, King P, King R, Leonard, May, McLean, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Todd, Valle, Van Luven, Vekich, Walk, Wilson K, Wilson S, Wineberry, Wolfe, Youngsman, Zellinsky, and Mr. Speaker - 75.

Voting nay: Representatives Ballard, Bowman, Brooks, Brumsickle, Doty, Hargrove, Heavey, Hine, Insee, Jesernig, Kremen, Locke, Moyer, Nealey, Schmidt, Tate, Walker, Winsley, Wood - 19.

Excused: Representatives Day, Dellwo, Hankins, Wang - 4.

Engrossed House Bill No. 1019, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1553, by Representatives Raiter, Cantwell, Doty, Wineberry, Schoon, Wolfe, Wood, Horn, Ferguson, Rector, G. Fisher, Silver, Ebersole, Phillips, Vekich, Cooper, Inslee, Brumsickle, Youngsman, Walk, Bowman, Basich, Tate, Betzoff, Belcher, Braddock, Morris, Beck, Jacobsen, Walker, Pruitt, Rayburn, Kremen, May, R. King, Todd, Winsley, Rasmussen, Spanel, P. King and Sprengle; by request of Governor Gardner

Creating the Washington economic development finance authority.

The bill was read the second time. On motion of Ms. Cantwell, Substitute House Bill No. 1553 was substituted for House Bill No. 1553, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1553 was read the second time.

Mr. Schoon moved adoption of the following amendment:

On page 1, line 7, after "by" strike "broadening and strengthening state and local tax bases."

Mr. Schoon spoke in favor of adoption of the amendment, and Ms. Cantwell opposed it. The amendment was not adopted.

Ms. Cantwell moved adoption of the following amendments by Representatives Cantwell and H. Sommers:

On page 6, line 6, after "Sec. 6." strike "(1)"

On page 6, after line 15, strike subsection (2)

Ms. Cantwell spoke in favor of adoption of the amendments, and they were adopted.

Ms. Cantwell moved adoption of the following amendment by Representatives Cantwell and H. Sommers:

On page 11, line 24, after "bonds" strike all material through "bonds," on page 11, line 25

Ms. Cantwell spoke in favor of adoption of the amendment, and it was adopted.

Ms. H. Sommers moved adoption of the following amendments by Representatives H. Sommers, Cantwell and Silver:

On page 9, line 3, after "with" strike "other"

On page 9, line 21, after "departments, or" strike "other"

Ms. H. Sommers spoke in favor of adoption of the amendments, and they were adopted.

Mr. Schoon moved adoption of the following amendments by Representatives Schoon, H. Sommers and Silver:

On page 21, line 20, after "committee" strike all material through "management" on line 21

On page 21, line 23, beginning with "under" strike all material through "agency" on line 25 on page 21, line 26, after "by" strike "June 30," and insert "December 1."

Representatives Schoon and H. Sommers spoke in favor of adoption of the amendments, and they were adopted.

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

Representatives Raiter, Hargrove, Schoon, Doty, Cantwell and Silver spoke in favor of passage of the bill, and Mr. Heavey opposed it.

POINT OF INQUIRY

Ms. Cantwell yielded to question by Mr. Vekich.

Mr. Vekich: In your role as chair of the Committee on Trade & Economic Development, I am sure that you are aware of the prohibitions of lending the state's credit. This certainly will be an issue raised at some time with this piece of legislation. Do you feel confident that this is strong legislation and, if there is a challenge, it will be strong enough to resist the challenge?

Ms. Cantwell: I can say that we have had the best legal advice from all parties involved in this and that it has been scrutinized for two years. I think that we have the best possible case that we can have. I think that this legislation is something that will give us every indication that we are on the right track. I would also like to point out that geographic distribution of funds is located on page 8 of the bill.

Representatives Wineberry and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1553, and the bill passed the House by the following vote: Yeas, 89; nays, 5; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Hine, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Mary, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Heavey, Holland, Padden, Patrick, Wolfe - 5.

Excused: Representatives Day, Dellwo, Hankins, Wang - 4.

Engrossed Substitute House Bill No. 1553, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider the following bills on the regular second reading calendar in the following order: House Bill No. 1890, House Bill No. 1545, and House Bill No. 1844. The motion was carried.

HOUSE BILL NO. 1890, by Representatives R. Fisher and Anderson

Changing provisions concerning redistricting.

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1545, by Representatives Schmidt, R. Fisher, Betzoff, Jacobsen, Rust, Holland, Walk, Wood, H. Sommers, Walker, Sprenkle, Hankins, S. Wilson, Patrick, Smith, Haugen, Horn and Winsley; by request of Legislative Transportation Committee

Increasing penalties for registering a vehicle in another state.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 33rd Day, February 10, 1989.)

Mr. Walk moved adoption of the committee amendment on page 1, after line 12 and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Walk, the committee amendment on page 3, after line 28 was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1545, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen,

Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Day, Dellwo, Hankins, Wang - 4.

Engrossed House Bill No. 1545, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1844, by Representatives Doty, Rasmussen, Heavey, Cole, Ballard, Leonard, Schoon, Nealey, Walker, Ferguson, May, Moyer, Brough, Miller, Bowman, Wood and Patrick

Regulating house-to-house sales.

The bill was read the second time.

Ms. Doty moved adoption of the following amendment by Representatives Doty and Cole:

On page 2, beginning on line 27, after "(3)" strike all material through "49.12.170" on line 28 and insert "A violation of this section is an unfair act or practice in violation of the consumer protection act, chapter 19.86 RCW. The remedies and sanctions provided under chapter 19.86 RCW shall not preclude application of other available remedies and sanctions"

Representatives Doty and Vekich spoke in favor of adoption of the amendment, and it was adopted.

Ms. Doty moved adoption of the following amendment by Representatives Doty and Cole:

On page 3, line 8, after "by" insert "a newspaper vendor or"

Ms. Doty spoke in favor of adoption of the amendment, and it was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1844, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Day, Dellwo, Hankins, Wang - 4.

Engrossed House Bill No. 1844, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Had I been present for the votes on final passage of Engrossed Substitute House Bill No. 2030, Substitute House Bill No. 1547, Engrossed Substitute House Bill No. 1369, Engrossed Substitute House Bill No. 1192, Engrossed Substitute House Bill No. 1504, House Bill No. 1656, House Bill No. 1912, Engrossed House Bill No. 1587, Engrossed Substitute House Bill No. 1553, Engrossed House Bill No. 1545, and Engrossed House Bill No. 1844, I would have voted "Yes."

I would have voted "No" on the final passage of Engrossed House Bill No. 1406 and Engrossed House Bill No. 1019.

And, I would have voted "No" on the amendment on page 2, line 24, by Representative Appelwick to Substitute House Bill No. 1583.

SHIRLEY HANKINS, 8th District.

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

MOTION

On motion of Mr. Heavey, the House adjourned until 9:30 a.m., Thursday, March 9, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SIXTIETH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, March 9, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Basich, Cantwell, Day, Dellwo, Hankins, Hine, Locke, Miller, Sayan, H. Sommers, S. Wilson and Wineberry. On motion of Ms. Cole, Representatives Cantwell, Day, Dellwo and Sayan were excused. On motion of Ms. Bowman, Representatives Hankins, Miller and S. Wilson were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Molly Brown and Kiersten Wagner. Prayer was offered by The Reverend Dr. Walter Pulliam, Senior Pastor of the First Baptist Church of Olympia.

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

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

March 9, 1989

On this day in 1889, a company of cavalry left Fort Walla Walla on their way to removing whites who had illegally leased land on the Umatilla Indian Agency land. Few such efforts succeeded for long. And a local newspaper's humor column read "In the college of the future, perhaps 'B.A.' will stand for 'Bachelor of Athletics' and 'Every man is the architect of his own destiny; it is lucky for most of us that there is no building inspector around.'"

On March 9, 1890 the first issue of the Spokesman, a daily newspaper in Spokane, appeared.

On March 9, 1926 Bertha Knight Landes, elected Mayor of Seattle, became the first woman mayor of a major American city. As City Council President, she had served as acting Mayor in 1921.

On this day in 1943, on Federal Government orders, the Spokane architect G.A. Pehrson began designing Richland as a city of 15,000 people, who would work in the atomic weapons plant. Richland Village then had a population of 250.

On this day in 1960, Dr. Belding Scribner in Seattle treated the first patient to undergo kidney dialysis. He inserted a teflon tube, allowing repeated use of a dialysis machine. Dr. Scribner was elected to the Washington State Historical Society's Centennial Hall of Honor in 1985.

And, on March 9, 1976, the head of the State Patrol announced that sexual orientation would no longer affect hiring for the Patrol.

MESSAGES FROM THE SENATE

March 7, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5012,
SENATE BILL NO. 5052,
SENATE BILL NO. 5054,
SUBSTITUTE SENATE BILL NO. 5058,
SENATE BILL NO. 5064,
SUBSTITUTE SENATE BILL NO. 5070,
SUBSTITUTE SENATE BILL NO. 5075,
SUBSTITUTE SENATE BILL NO. 5108,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5130,

SUBSTITUTE SENATE BILL NO. 5132,
 ENGROSSED SENATE BILL NO. 5185,
 SENATE BILL NO. 5262,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5366,
 SUBSTITUTE SENATE BILL NO. 5418,
 SENATE BILL NO. 5480,
 SUBSTITUTE SENATE BILL NO. 5654,
 ENGROSSED SENATE BILL NO. 5689,
 ENGROSSED SENATE BILL NO. 5715,
 SENATE BILL NO. 5798,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5838,
 SENATE BILL NO. 5858,
 SUBSTITUTE SENATE BILL NO. 5864,
 SENATE BILL NO. 5888,
 SUBSTITUTE SENATE BILL NO. 5889,
 SENATE BILL NO. 5907,
 SENATE BILL NO. 5950,
 SENATE BILL NO. 5991,
 SUBSTITUTE SENATE BILL NO. 5993,
 SUBSTITUTE SENATE BILL NO. 6048,
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8001.

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 8, 1989

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5133,
 SENATE BILL NO. 5143,
 SUBSTITUTE SENATE BILL NO. 5147,
 SENATE BILL NO. 5152,
 SENATE BILL NO. 5154,
 SUBSTITUTE SENATE BILL NO. 5191,
 ENGROSSED SENATE BILL NO. 5233,
 SUBSTITUTE SENATE BILL NO. 5266,
 SUBSTITUTE SENATE BILL NO. 5285,
 SUBSTITUTE SENATE BILL NO. 5290,
 SUBSTITUTE SENATE BILL NO. 5315,
 SENATE BILL NO. 5329,
 SUBSTITUTE SENATE BILL NO. 5348,
 SUBSTITUTE SENATE BILL NO. 5350,
 SUBSTITUTE SENATE BILL NO. 5746,
 SUBSTITUTE SENATE BILL NO. 5859,
 SUBSTITUTE SENATE BILL NO. 5891,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5933,
 SENATE BILL NO. 6057.

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

SSB 5012 by Committee on Environment & Natural Resources (originally sponsored by Senator McDonald)

Clarifying the liability of condominium owners' associations for air pollution violations.

Referred to Committee on Environmental Affairs.

- SB 5052 by Senators Lee, McCaslin, Barr, Saling, Rasmussen and Wojahn; by request of Legislative Budget Committee
Amending committee voucher authority.
Referred to Committee on State Government.
- SB 5054 by Senators Rinehart, Bailey and Niemi
Establishing the Washington state minority teacher recruitment program.
Referred to Committee on Education.
- SSB 5058 by Committee on Law & Justice (originally sponsored by Senators Pullen and Talmadge)
Creating a law enforcement officer pool.
Referred to Committee on Judiciary.
- SB 5064 by Senators Smith, Rasmussen, Metcalf and Benitz
Requiring licensing of salmon guides.
Referred to Committee on Fisheries & Wildlife.
- SSB 5070 by Committee on Transportation (originally sponsored by Senators Cantu and Smith)
Restricting access to vehicle records.
Referred to Committee on Transportation.
- SSB 5075 by Committee on Environment & Natural Resources (originally sponsored by Senator Smith)
Changing provisions relating to investigation of water pollution.
Referred to Committee on Environmental Affairs.
- SSB 5108 by Committee on Children & Family Services (originally sponsored by Senators Saling, Bailey, Lee, Thorsness and Anderson)
Regarding visitation between an abused child and the abuser.
Referred to Committee on Human Services.
- ESSB 5130 by Committee on Governmental Operations (originally sponsored by Senators McCaslin and Rasmussen)
Requiring recording of easements.
Referred to Committee on Energy & Utilities.
- SSB 5132 by Committee on Governmental Operations (originally sponsored by Senators McCaslin and Rasmussen)
Specifying additional requirements for local improvement district notices.
Referred to Committee on Local Government.
- SB 5133 by Senator McCaslin
Changing provisions regarding utility local improvement districts.
Referred to Committee on Local Government.
- SB 5143 by Senators Pullen, Madsen, Talmadge and Moore
Discussing ballot pages and the placement of candidates' names on them.
Referred to Committee on State Government.
- SSB 5147 by Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Rasmussen, Johnson, Smitherman, McMullen, McCaslin and West)
Revising definition of credit services organization.
Referred to Committee on Financial Institutions & Insurance.

- SB 5152 by Senators von Reichbauer and Smitherman
Amending insurance form filing requirements.
Referred to Committee on Financial Institutions & Insurance.
- SB 5154 by Senators West and Kreidler; by request of Department of Social and Health Services
Providing for sanitary control of shellfish.
Referred to Committee on Health Care.
- ESB 5185 by Senators Wojahn, Lee, Rasmussen, Madsen, Gaspard, Smitherman, Niemi and Vognild
Establishing a family day care center as a residential use for zoning purposes.
Referred to Committee on Local Government.
- SSB 5191 by Committee on Law & Justice (originally sponsored by Senators Pullen, Niemi and Nelson; by request of Sentencing Guidelines Commission)
Standardizing application of good-time credit statutes.
Referred to Committee on Judiciary.
- ESB 5233 by Senators Pullen, Madsen, Rasmussen and Niemi
Changing provisions relating to the crime of burglary.
Referred to Committee on Judiciary.
- SB 5262 by Senators Craswell, Bailey, Owen, Anderson, Rasmussen, McCaslin, von Reichbauer, Benitz, Amondson, Stratton, Lee, Metcalf, Conner, Pullen, Smith and Patterson
Revising provisions for private schools.
Referred to Committee on Education.
- SSB 5266 by Committee on Education (originally sponsored by Senators Gaspard, Bailey, Rinehart, Lee, Fleming, Johnson, Anderson, Kreidler, Benitz, Talmadge and Bauer)
Providing baccalaureate and masters degree equivalencies for certification of vocational instructors.
Referred to Committee on Higher Education.
- SSB 5285 by Committee on Financial Institutions & Insurance (originally sponsored by Senators Owen, McCaslin and Kreidler)
Providing that certain covenants survive a tax foreclosure sale.
Referred to Committee on Financial Institutions & Insurance.
- SSB 5290 by Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, DeJarnatt, Benitz, Rasmussen, Barr and Gaspard)
Enhancing salmon resources.
Referred to Committee on Fisheries & Wildlife.
- SSB 5315 by Committee on Environment & Natural Resources (originally sponsored by Senators Bender, Conner, DeJarnatt, Talmadge, Owen, Metcalf, Vognild, Murray, Bauer, Niemi, Kreidler, McMullen and Sutherland)
Prescribing financial responsibility for vessels that spill oil.
Referred to Committee on Environmental Affairs.

- SB 5329 by Senators Lee, Warnke, Matson and Smitherman; by request of Department of Licensing
Establishing a master license delinquency fee.
Referred to Committee on Commerce & Labor.
- SSB 5348 by Committee on Environment & Natural Resources (originally sponsored by Senator Owen)
Relating to the regulating of fishing.
Referred to Committee on Fisheries & Wildlife.
- SSB 5350 by Committee on Law & Justice (originally sponsored by Senators Newhouse, Talmadge and Madsen; by request of Administrator for the Courts)
Providing for appointment of mental health commissioners.
Referred to Committee on Judiciary.
- ESSB 5366 by Committee on Transportation (originally sponsored by Senators Nelson and Bender; by request of Legislative Transportation Committee)
Revising administration of public transit authorities.
Referred to Committee on Transportation.
- SSB 5418 by Committee on Ways & Means (originally sponsored by Senators Johnson, Moore, Nelson, Hayner, Bailey, Lee, Metcalf and Talmadge; by request of Joint Committee on Pension Policy)
Altering pension funding.
Referred to Committee on Appropriations.
- SB 5480 by Senators Pullen, Fleming, Talmadge, Smitherman, McCaslin, Nelson, Niemi, Madsen, Rinehart and Lee
Clarifying the crime of malicious harassment.
Referred to Committee on Judiciary.
- SSB 5654 by Committee on Financial Institutions & Insurance (originally sponsored by Senators Lee and Matson)
Restricting the insurance coverage provided by a bond.
Referred to Committee on Financial Institutions & Insurance.
- ESB 5689 by Senators von Reichbauer, Moore, Sellar and McMullen; by request of Department of Labor and Industries and State Investment Board
Regulating industrial insurance premium investments.
Referred to Committee on Financial Institutions & Insurance.
- ESB 5715 by Senators Newhouse, Talmadge, Owen and Benitz; by request of Attorney General
Regulating the business of immigration consulting.
Referred to Committee on Judiciary.
- SSB 5746 by Committee on Transportation (originally sponsored by Senators Sellar, Smith, Owen and Matson)
Exempting interstate truck drivers from overtime wage requirements.
Referred to Committee on Commerce & Labor.
- SB 5798 by Senators Rasmussen, Pullen, McDonald, Talmadge, Barr, Conner and Metcalf
Raising the homestead exemption.
Referred to Committee on Judiciary.

ESSB 5838 by Committee on Agriculture (originally sponsored by Senators Hansen, Benitz and Barr)

Revising agricultural livestock liens.

Referred to Committee on Judiciary.

SB 5858 by Senators McCaslin, Murray and Bailey

Regarding meetings of school directors.

Referred to Committee on Education.

SSB 5859 by Committee on Education (originally sponsored by Senators Gaspard, Lee, Murray and Bailey)

Regarding the school directors' association.

Referred to Committee on Education.

SSB 5864 by Committee on Law & Justice (originally sponsored by Senators Pullen, Talmadge, Newhouse, McCaslin and Madsen)

Changing provisions relating to satisfaction of judgments.

Referred to Committee on Judiciary.

SB 5888 by Senators Smith and DeJarnatt

Extending exemptions for Mt. St. Helens recovery operations.

Referred to Committee on State Government.

SSB 5889 by Committee on Agriculture (originally sponsored by Senators Barr, Talmadge, Benitz, Madsen and Hansen)

Authorizing entities furnishing utility services to assist their customers in water conservation.

Referred to Committee on Natural Resources & Parks.

SSB 5891 by Committee on Agriculture (originally sponsored by Senators Barr, Williams, Benitz, Lee, Madsen and Bauer)

Revising provisions on water resource policy.

Referred to Committee on Natural Resources & Parks.

SB 5907 by Senators Hansen, Barr and Benitz

Changing provisions relating to annexations and incorporations involving a portion of a fire protection district.

Referred to Committee on Local Government.

ESSB 5933 by Committee on Economic Development & Labor (originally sponsored by Senators Williams and Murray)

Establishing an annual leave sharing program for state employees.

Referred to Committee on Commerce & Labor.

SB 5950 by Senators Talmadge, Bailey and Bauer

Extending the statute of limitations in child sexual abuse cases.

Referred to Committee on Judiciary.

SB 5991 by Senators Pullen, Talmadge, Amondson and Rasmussen

Protecting state employees from assaults by juvenile offenders.

Referred to Committee on Judiciary.

SSB 5993 by Committee on Energy & Utilities (originally sponsored by Senators Benitz, Stratton, Newhouse and Hayner)

Promoting the use of one thousand acres leased on the Hanford reservation.

Referred to Committee on Trade & Economic Development.

SSB 6048 by Committee on Financial Institutions & Insurance (originally sponsored by Senator von Reichbauer)

Regarding HIV testing under Title 48 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 6057 by Senators Murray, Bender, Warnke, Owen, McMullen, Williams, Smitherman, Kreidler, Sutherland, Talmadge, Niemi, Fleming, Moore, Lee, Vognild, Rasmussen, Conner, Stratton, Bailey, Gaspard, Hansen, Wojahn, Bauer, Madsen, Metcalf, Rinehart and Johnson

Providing for school services for homeless children.

Referred to Committee on Education.

SSJM 8001 by Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Rasmussen, DeJarnatt, Sutherland, Amondson and McMullen)

Requesting that sanctions be brought against foreign nations which harvest Washington state salmon.

Referred to Committee on Fisheries & Wildlife.

MOTION

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

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

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1623 on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1623, by Representatives Belcher, Bowman, Ferguson, Brumsickle, Haugen, Hargrove, Locke and McLean

Benefiting winter recreation activities of the state parks and recreation commission.

The bill was read the second time.

Ms. Belcher moved that the committee recommendation be adopted (For committee amendment, see Journal, 47th Day, February 24, 1989.) and the bill be advanced to third reading. Ms. Belcher spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1623.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1623, and the bill passed the House by the following vote: Yeas, 85; absent, 6; excused, 7.

Voting yeas: Representatives Anderson, Ballard, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 85.

Absent: Representatives Appelwick, Basich, Hine, Locke, Sommers H, Wineberry - 6.

Excused: Representatives Cantwell, Day, Dellwo, Hankins, Miller, Sayan, Wilson S - 7.

Engrossed House Bill No. 1623, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1669, by Representatives Anderson, R. Fisher, Winsley, Jacobsen, Haugen, Schoon, Bristow, Wineberry, Beck, Horn and D. Sommers; by request of Secretary of State

Protecting the confidentiality of initiative, referendum, or recall petitioners.

The bill was read the second time.

Mr. Anderson moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Anderson spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1669.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1669, and the bill passed the House by the following vote: Yeas, 85; absent, 6; excused, 7.

Voting yea: Representatives Anderson, Ballard, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 85.

Absent: Representatives Appelwick, Basich, Hine, Locke, Sommers H, Wineberry - 6.

Excused: Representatives Cantwell, Day, Dellwo, Hankins, Miller, Soryan, Wilson S - 7.

Substitute House Bill No. 1669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Hine and Miller appeared at the bar of the House.

HOUSE BILL NO. 1673, by Representatives Wang, Peery and P. King

Changing provisions relating to abuse of teachers.

The bill was read the second time.

Mr. Peery moved that the committee recommendation be adopted (For committee amendments, see Journal, 50th Day, February 27, 1989.) and the bill be advanced to third reading. Mr. Peery spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1673.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1673, and the bill passed the House by the following vote: Yeas, 86; nays, 1; absent, 5; excused, 6.

Voting yea: Representatives Anderson, Ballard, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representative Pruitt - 1.

Absent: Representatives Appelwick, Basich, Locke, Sommers H, Wineberry - 5.

Excused: Representatives Cantwell, Day, Dellwo, Hankins, Sayan, Wilson S - 6.

Engrossed House Bill No. 1673, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Basich appeared at the bar of the House.

The Speaker assumed the Chair.

HOUSE BILL NO. 1747, by Representatives R. Fisher, Belcher, McLean, Winsley, H. Sommers, P. King and Anderson; by request of Secretary of State

Eliminating charges for space in the candidates' pamphlet.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. R. Fisher spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 1747.

Representatives Padden and Pruitt spoke against passage of the bill, and Ms. Morris spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1747, and the bill passed the House by the following vote: Yeas, 57; nays, 26; absent, 9; excused, 6.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brough, Cole, Cooper, Crane, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Haugen, Heavey, Hine, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Raiter, Rasmussen, Rayburn, Rector, Rust, Schoon, Scott, Sommers D, Spanel, Sprengle, Todd, Valle, Vekich, Walk, Walker, Wang, Wilson K, Winsley, Wood, Zellinsky, and Mr. Speaker - 57.

Voting nay: Representatives Beck, Bowman, Brooks, Chandler, Dorn, Doty, Ferguson, Fuhrman, Hargrove, Holland, Horn, Inslee, May, Meyers R, Moyer, Nealey, Padden, Patrick, Prince, Pruitt, Schmidt, Smith, Tate, Van Luven, Wolfe, Youngsman - 26.

Absent: Representatives Appelwick, Betrozoff, Brumsickle, Locke, McLean, Miller, Silver, Sommers H, Wineberry - 9.

Excused: Representatives Cantwell, Day, Dellwo, Hankins, Sayan, Wilson S - 6.

House Bill No. 1747, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Heavey, Representative Wineberry was excused.

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

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

THIRD READING

MOTION

Mr. Heavey moved that the House immediately consider Substitute House Bill No. 1582 on the third reading calendar. The motion was carried.

SUBSTITUTE HOUSE BILL NO. 1582, by Committee on Appropriations (originally sponsored by Representatives Cole, Peery, Ebersole, Prentice, Todd, Jones, Scott, Leonard, Valle, Rasmussen, P. King, Pruitt, Jacobsen, Appelwick, Anderson, Winsley, R. Fisher, Wang, Wineberry, R. King, Belcher, Rust, H. Myers, Crane, Phillips and Brekke)

Establishing a before and after school child care pilot program.

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

Representatives Cole, Peery, Moyer, Ebersole and Walker spoke in favor of passage of the bill, and Mr. Fuhrman opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1582, and the bill passed the House by the following vote: Yeas, 86; nays, 4; absent, 2; excused, 6.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brække, Bristow, Brooks, Brough, Brumsickie, Cantwell, Cole, Cooper, Crane, Dorn, Doly, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Chandler, Fuhrman, Padden, Wolfe - 4.

Absent: Representatives Appelwick, Locke - 2.

Excused: Representatives Day, Dellwo, Hankins, Sayan, Wilson S, Wineberry - 6.

Substitute House Bill No. 1582, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Appelwick, Locke and S. Wilson appeared at the bar of the House.

MOTION

Mr. Heavey moved that the House immediately consider Engrossed Substitute House Bill No. 1584 on the third reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1584, by Committee on Human Services (originally sponsored by Representatives Bristow, Kremen, Belcher, Brough, Valle, Wineberry, Sprenkle, Peery, Leonard, Cole, Appelwick, Ebersole, Winsley, R. Fisher, Wang, Miller, Pruitt, Todd, Jones, Rust, Scott, Jacobsen, Rasmussen, Spanel, Dorn, Crane, Basich and Phillips)

Dealing with child care facilities.

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

Representatives Bristow and Leonard spoke in favor of passage of the bill, and Ms. Silver opposed it.

POINT OF INQUIRY

Ms. Silver yielded to question by Mr. Van Luven.

Mr. Van Luven: Representative Silver, you mentioned something interesting. As one who was raised here in Olympia by state employees, who did not make forty thousand dollars, could you tell me if that is actually true--that this will be used by state employees making forty to one hundred thousand dollars? Most of our state employees aren't making that. I want to help state employees, but I'm not looking out for the ones who make ninety-eight and one hundred thousand dollars. We all want to help the handicapped children and sick children; we're not voting against them. But I'm not excited about helping people in that kind of salary range, and I was wondering if you can clarify that, please?

Ms. Silver: In the child care facility that is presently in Olympia, forty percent of the people are making over forty thousand and we have one couple who are making over one hundred thousand. In the community college in Everett, fifty percent will be provided to the FIP Program and the other fifty percent will be divided into half for the students and half for the professors.

Representatives R. King, Ebersole, Raiter, Holland and Hargrove spoke in favor of passage of the bill. Mr. Bristow again spoke in favor of the bill, and Ms. Silver again opposed it. Representatives Hine and Moyer spoke in favor of the bill.

Representative Crane demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1584, and the bill passed the House by the following vote: Yeas, 76; nays, 15; absent, 2; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Cole, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Scott, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 76.

Voting nay: Representatives Ballard, Baugher, Beck, Chandler, Fuhrman, McLean, Nealey, Padden, Schmidt, Schoon, Silver, Smith, Sommers D, Van Luven, Wolfe - 15.

Absent: Representatives Cooper, Myers H - 2.

Excused: Representatives Day, Dellwo, Hankins, Sayan, Wineberry - 5.

Engrossed Substitute House Bill No. 1584, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House revert to the sixth order of business. The motion was carried.

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1950 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1950, by Representatives Valle, Ferguson, Phillips and Sprenkle

Investigating diesel-powered vehicle emission issues.

The bill was read the second time.

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

Representatives Valle, D. Sommers, Chandler, Nealey and Ferguson spoke in favor of passage of the bill, and Mr. Hargrove opposed it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1950, and the bill passed the House by the following vote: Yeas, 74; nays, 17; absent, 2; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Heavey, Holland, Horn, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Schoon, Scott, Silver, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 74.

Voting nay: Representatives Ballard, Basich, Baugher, Brough, Fuhrman, Hargrove, Haugen, Inslee, McLean, Miller, Patrick, Rayburn, Schmidt, Smith, Vekich, Wilson S, Zellinsky - 17.

Absent: Representatives Ebersole, Hine - 2.

Excused: Representatives Day, Dellwo, Hankins, Sayan, Wineberry - 5.

House Bill No. 1950, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2012, by Representatives Haugen, Ferguson, Cantwell, Wolfe, Nealey and Phillips

Regulating port district land improvement.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 2012 was substituted for House Bill No. 2012, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2012 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2012, and the bill passed the House by the following vote: Yeas, 90; nays, 2; absent, 1; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rayburn, Rector, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Nelson, Rasmussen - 2.

Absent: Representative Rust - 1.

Excused: Representatives Day, Dellwo, Hankins, Sayan, Wineberry - 5.

Substitute House Bill No. 2012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2045, by Representatives Prince, Baugher, Smith and Walk

Revising mileage-based special fuel tax computation.

The bill was read the second time.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2045, and the bill passed the House by the following vote: Yeas, 91; nays, 1; absent, 1; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representative McLean - 1.

Absent: Representative Nelson - 1.

Excused: Representatives Day, Dellwo, Hankins, Sayan, Wineberry - 5.

House Bill No. 2045, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Please indicate that I meant to vote "Yes" on the final passage of House Bill No. 2045.

ALEX W. McLEAN, 12th District.

HOUSE JOINT MEMORIAL NO. 4012, by Representatives Brumsickle, Bowman, Schmidt, Youngsman, Patrick, Ballard, Betzoff, Walker, Silver, McLean, Smith, Grant, Fuhrman, Brough, Phillips, Horn, Holland, Morris, Beck, Padden, Tate, Schoon, D. Sommers, Moyer, Kremen, P. King, Wineberry, Pruitt, Sayan, Winsley, Miller, Rayburn, K. Wilson, May, Inslee, Raiter, Hine, Spanel, G. Fisher, Rasmussen and Wood

Petitioning Congress to restore the deductibility of the retail sales tax.

The memorial was read the second time.

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

Representatives Brumsickle, Bowman, Wang and Horn spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4012, and the memorial passed the House by the following vote: Yeas, 92; absent, 1; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brække, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representative Peery - 1.

Excused: Representatives Day, Dellwo, Hankins, Sayan, Wineberry - 5.

House Joint Memorial No. 4012, having received the constitutional majority, was declared passed.

Representative Wineberry appeared at the bar of the House.

MOTION

Mr. Heavey moved that the House defer consideration of Substitute House Bill No. 1133 and Substitute House Bill No. 1160 and that the bills hold their places on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1086, by Representatives Ferguson, Rust, Wang, May, Haugen, Winsley, R. Meyers, Betzoff, Beck, Sayan, Nelson, Miller, Moyer, Dellwo, Heavey, Pruitt, D. Sommers, Walker, Brough, Schoon, Phillips, Spanel, Valle and Anderson

Regulating underground storage tanks.

The bill was read the second time. Committee on Environmental Affairs recommendation: Do pass substitute. Committee on Revenue recommendation: Majority, do pass substitute by Committee on Environmental Affairs as amended by Committee on Revenue. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

On motion of Mr. Wang, Substitute House Bill No. 1086 was substituted for House Bill No. 1086, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1086 was read the second time.

Mr. Wang moved adoption of the committee amendment on page 6, line 29, and spoke in favor of it. The committee amendment was adopted.

Mr. Wang moved adoption of the committee amendment on page 8, after line 10, and spoke in favor of it. The committee amendment was adopted.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1086, and the bill passed the House by the following vote: Yeas, 93; nays, 1; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representative Baugher - 1.

Excused: Representatives Day, Dellwo, Hankins, Sayan - 4.

Engrossed Substitute House Bill No. 1086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1180, by Representatives Ferguson, Dellwo, Beck, Rust, Wang, Winsley, Van Luven, Nelson, Betrozoff, Chandler, Crane, Bowman, Moyer, Sayan, Spanel, Zellinsky, Dorn, R. King, Pruitt, G. Fisher, Valle, Hine, May, Jones, Walk, K. Wilson, O'Brien, Locke, Brekke, Phillips, Rasmussen, Inslee, Rector, Cooper, Miller, Brumsickle and Ebersole

Insuring liability for leaks from underground oil storage tanks.

The bill was read the second time. On motion of Mr. Wang, Second Substitute House Bill No. 1180 was substituted for House Bill No. 1180, and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1180 was read the second time.

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

Representatives Ferguson, Wang and D. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1180, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Day, Dellwo, Hankins, Sayan - 4.

Second Substitute House Bill No. 1180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4630, by Representatives Bowman and Brumsickle

WHEREAS, in 1989, The Daily Chronicle is celebrating, "A Century of Service" to generations of southwestern Washingtonians; and

WHEREAS, The Daily Chronicle has provided outstanding coverage of the newsworthy events of Lewis County, and beyond, from the birth of our state when pioneers settled the territory to the modern age of Boeing airplanes and the extensive export of millions of tons of high-quality wood products to Japan; and

WHEREAS, The Daily Chronicle may take great pride in one hundred years of keeping its readership informed and fulfilling faithfully its duty to report the facts fairly and accurately in the American tradition of a free press; and

WHEREAS, In July of 1889, J. E. Whinnery and Thomas Sammons founded The Daily Chronicle, which merged with another daily in 1912 and is now the sole daily newspaper of record serving the region; and

WHEREAS, The newspaper was purchased in 1966 by Richard Lafromboise, husband of the paper's current President, Jeraldine Lafromboise, and for all of its history, has been a family-owned paper; and

WHEREAS, The Daily Chronicle moved in 1947 to its current location at the corner of Pearl and Maple streets in Centralia, where its administrative offices and off-set press are located; and

WHEREAS, The Daily Chronicle has steadily expanded its circulation from approximately 5,000 in 1942 to its current readership of nearly 15,000; and

WHEREAS, The newspaper is operated under the very competent and experienced leadership of Jack Underwood, Publisher; Jim Shouse, Executive Editor; Joe Pitt, Advertising Manager; Sharon Larson, Want Ad Manager; Steve Rees, Circulation Manager; Don Nunn, Operations Manager; Tom Ashton, Controller; and Stephanie VanderMeer, Accounting Supervisor; and

WHEREAS, The Daily Chronicle plans to celebrate its one hundred years of exceptional service by involving the public and sponsoring exciting and entertaining events such as prizes, contests, displays and quizzes; and

WHEREAS, The Daily Chronicle, as it pauses to reminisce on the first one hundred years of its dedication to the community, renews its commitment to keep the public informed in the next one hundred years with the same professionalism and integrity;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives commend The Daily Chronicle for a century of service to the residents of Lewis County and parts of adjoining counties; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to The Daily Chronicle.

Ms. Bowman moved adoption of the resolution. Representatives Bowman and Brumsickle spoke in favor of the resolution.

House Floor Resolution No. 89-4630 was adopted.

The Speaker declared the House to be at ease until 1:15 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 1:15 p.m.

Representative Sayan appeared at the bar of the House.

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

SECOND READING

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced that the House would immediately consider House Bill No. 1757 on the suspension calendar.

HOUSE BILL NO. 1757, by Representatives Fuhrman, Morris, Dellwo, Raiter, Cooper, Brumsickle, Grant, H. Myers, Peery, Ballard, Hankins, Smith, Rector and Nealey

Permitting certain second class school districts to hire officers' spouses as substitute teachers.

The bill was read the second time.

Mr. Peery moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Peery spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1757.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1757, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Day, Dellwo, Hankins - 3.

House Bill No. 1757, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1791, by Representatives Chandler, Dellwo and Day; by request of Insurance Commissioner

Revising provisions for industrial insurance funds.

The bill was read the second time.

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

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1791.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1791, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Day, Dellwo, Hankins - 3.

House Bill No. 1791, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1895, by Representatives Haugen and Ferguson

Modifying assessments against public lands.

The bill was read the second time.

Ms. Haugen moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Haugen spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1895.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1895, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Day, Dellwo, Hankins - 3.

House Bill No. 1895, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1904, by Representative Hine

Substituting the word improvements, in place of facilities, for use as security for transportation impact fees.

The bill was read the second time.

Mr. Walk moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Walk spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1904.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1904, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Day, Dellwo, Hankins - 3.

House Bill No. 1904, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1976, by Representatives Prentice, S. Wilson, Gallagher, Baugher, Schmidt and Walk

Extending the project cost evaluation methodology program.

The bill was read the second time.

Mr. Walk moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Walk spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1976.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1976, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Day, Dellwo, Hankins - 3.

House Bill No. 1976, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1980, by Representatives Peery, Padden, Hargrove, H. Myers, Cantwell, Brough, Winsley, Belcher, G. Fisher, Heavey, Holland, Phillips, Dellwo, Valle, P. King, Pruitt, Leonard, Spanel, Cooper and Morris

Providing for job sharing in school and educational service districts.

The bill was read the second time.

Mr. Peery moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Peery and Padden spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1980.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1980, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Day, Dellwo, Hankins - 3.

House Bill No. 1980, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2010, by Representatives R. King, Basich, McLean and Inslee

Allowing nonambulatory disabled persons to hunt from nonhighway motor vehicles.

The bill was read the second time.

Mr. R. King moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives R. King and McLean spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 2010.

POINT OF INQUIRY

Mr. McLean yielded to question by Mr. Nealey.

Mr. Nealey: Representative McLean, I noticed that the bill says that only one person can accompany the disabled hunter. Is that true in the bill, or is that a mistake in the reporting of it? It seems silly, when there might be two or three friends of that person who are willing to take him out and give him a chance to hunt, to allow only one person to go along to help. I am asking if the bill restricts it to only one additional, capable person.

Mr. McLean: If it is worded that way, I assume that there wouldn't be any problem if more than one person were with him, but it may be restricted that way in the language of the law.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2010, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Day, Dellwo, Hankins - 3.

House Bill No. 2010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2088, by Representatives Zellinsky, Winsley and Dellwo

Permitting persons in an insurer's holding company system to accept commissions.

The bill was read the second time.

Mr. Zellinsky moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Zellinsky spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2088.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2088, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Day, Dellwo, Hankins - 3.

Substitute House Bill No. 2088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2135, by Representatives Vekich, Cole and Prentice

Revising provisions on farm labor liens.

The bill was read the second time.

Ms. Cole moved that the committee recommendation be adopted (For committee amendments, see Journal, 47th Day, February 24, 1989.) and the bill be advanced to third reading. Ms. Cole spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2135.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2135, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Day, Dellwo, Hankins - 3.

Engrossed House Bill No. 2135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1039, by Representatives Haugen, S. Wilson, R. King, May, Zellinsky, Spanel, Horn, Jones, Leonard, Heavey, P. King and Phillips

Providing oil dump and holding tank pump station information to boaters.

The bill was read the second time.

Ms. Belcher moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Belcher spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1039.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1039, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Day, Dellwo, Hankins - 3.

Substitute House Bill No. 1039, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1123 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1123, by Representatives Rust, D. Sommers, Valle, May, Pruitt, Nelson, Ferguson, R. Fisher, Wang, Kremen, Brekke, Sprenkle, Brough and Phillips

Regulating chlorofluorocarbons, and other ozone-depleting chemicals.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 1123 was substituted for House Bill No. 1123, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1123 was read the second time.

Ms. Rust moved adoption of the following amendments by Representatives Rust and D. Sommers:

On page 2, beginning on line 11, strike all of subsection (2) through "section." on line 21 Renumber the remaining subsections.

On page 2, line 23, after "legislature" strike all material through "1990" on line 27 and insert "by December 1, 1989, on: (a) Best management practices for chlorofluorocarbons; and (b) proposed rules establishing state-wide minimum control standards to reduce or eliminate the release of chlorofluorocarbons into the atmosphere"

Representatives Rust and D. Sommers spoke in favor of adoption of the amendments, and they were adopted.

Ms. Rust moved adoption of the following amendment by Representatives Rust and D. Sommers:

On page 2, line 29, after "chlorofluorocarbon-113," strike "methyl chloroform," and insert "chlorofluorocarbon-114, chlorofluorocarbon-115, halon 1211, halon 2402."

Representatives Rust and D. Sommers spoke in favor of adoption of the amendment, and it was adopted.

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

Ms. Rust spoke in favor of passage of the bill, and Ms. Miller opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1123, and the bill passed the House by the following vote: Yeas, 87; nays, 8; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Baugher, Betzozoff, Brough, Chandler, McLean, Miller, Patrick, Youngsman - 8.

Excused: Representatives Day, Dellwo, Hankins - 3.

Engrossed Substitute House Bill No. 1123, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately resume consideration of Substitute House Bill No. 1133 on the regular second reading calendar. The motion was carried. (See Journal, 59th Day, March 8, 1989, for previous action.)

SUBSTITUTE HOUSE BILL NO. 1133, by Committee on Trade & Economic Development (originally sponsored by Representatives Wineberry, Cantwell, Brough, Kremen, Schoon, Hine, Holland, Rasmussen, Miller, Ebersole, Doty, Locke, Winsley, H. Sommers, Anderson, Wang, Valle, Rust, R. King, Bristow, Sprenkle, Leonard, Vekich, Prentice, Beck, K. Wilson, Rector, Spanel, Cole, Basich, Jones, Braddock, Betzoff, Nelson, Walker, Tate, Heavey, G. Fisher, Crane, O'Brien, Walk, Scott, Patrick, Dellwo, Zellinsky, Jesernig, Belcher, R. Fisher, Sayan, Pruitt, Wood, Brekke, Inslee, Fuhrman, Moyer, Todd, H. Myers, Brumsickle, Van Luven, Phillips, May and P. King)

Regarding employer involvement in child care.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the point of order by Mr. Schoon regarding the amendment by Representatives Wineberry, Moyer and Cantwell.

MOTION FOR RECONSIDERATION

Mr. Wineberry, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the amendment by Representatives Wineberry, Moyer and Cantwell passed the House. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the adoption of the amendment by Representatives Wineberry, Moyer and Cantwell.

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

Mr. Locke moved adoption of the committee amendment by Committee on Appropriations.

Mr. Wineberry moved adoption of the following amendments by Representatives Wineberry, Moyer and Cantwell to the committee amendment:

On page 10, line 8, after "with," insert "the business assistance center established under RCW 43.31.085 and"

On page 11, after line 33, insert the following:

"Sec. 5. Section 11, chapter 466, Laws of 1985 as amended by section 3, chapter 348, Laws of 1987 and RCW 43.31.085 are each amended to read as follows:

The business assistance center shall:

(1) Serve as the state's lead agency and advocate for the development and conservation of businesses.

(2) Coordinate the delivery of state programs to assist businesses.

(3) Provide comprehensive referral services to businesses requiring government assistance.

(4) Serve as the business ombudsman within state government and advise the governor and the legislature of the need for new legislation to improve the effectiveness of state programs to assist businesses.

(5) Aggressively promote business awareness of the state's business programs and distribute information on the services available to businesses.

(6) Develop, in concert with local economic development and business assistance organizations, coordinated processes that complement both state and local activities and services.

(7) The business assistance center shall work with other federal, state, and local agencies and organizations to ensure that business assistance services including small business, trade services, and distressed area programs are provided in a coordinated and cost-effective manner.

(8) Assist the child care partnership program established under section 4 of this act by:

(a) Consulting with the child care partnership program regarding effective means to prepare and provide child care information to employers;

(b) Disseminating publications and other written information developed by the child care partnership program to businesses requesting such information;

(c) Referring businesses seeking information regarding child care to the child care partnership program; and

(d) Upon the request of the child care resource coordinator, locating a representative of the child care partnership program in the offices of the business assistance center."

Renumber remaining sections consecutively and correct internal references accordingly.

Representatives Wineberry, Moyer and Leonard spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

The committee amendment as amended was adopted.

With consent of the House, the following amendment to the title amendment was adopted:

On page 17, beginning on line 22 of the title amendment, strike "and 74.13.090" and insert ", 74.13.090, and 43.31.085"

On motion of Mr. Locke, the title amendment as amended was adopted.

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

Representatives Wineberry and Moyer spoke in favor of passage of the bill.

The Speaker resumed the Chair.

Representatives Kremen and Doty spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1133, and the bill passed the House by the following vote: Yeas, 92; absent, 3; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Gallagher, Rayburn, Sayan - 3.

Excused: Representatives Day, Dellwo, Hankins - 3.

Engrossed Substitute House Bill No. 1133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately resume consideration of Substitute House Bill No. 1160 on the regular second reading calendar. The motion was carried. (See Journal, 59th Day, March 8, 1989, for previous action.)

SUBSTITUTE HOUSE BILL NO. 1160, by Committee on Human Services (originally sponsored by Representatives Leonard, Miller, Cole, Holland, Belcher, Winsley, Prentice, Wang, Valle, Pruitt, Sprengle, Basich, Rasmussen, Nelson, Rust, Jones, Wineberry, Dorn, Bristow, Cantwell, Ebersole, Brooks, Scott, Hine, Moyer, Brekke, Jacobsen, R. King, Kremen, Todd, G. Fisher, Doty, P. King, O'Brien, Locke, Phillips, Crane and Fraser)

Dealing with community-based family support centers.

The Speaker stated the question before the House to be the adoption of the amendment by Representatives Padden, Ferguson and Wolfe.

Representatives Padden, Fuhrman and Wolfe spoke in favor of adoption of the amendment, and Ms. Leonard opposed it.

The amendment was not adopted.

On motion of Mr. Ebersole, the rules were suspended and the bill was advanced to third reading.

On motion of Mr. Ebersole, Substitute House Bill No. 1160 was passed to Committee on Rules for third reading.

HOUSE BILL NO. 1190, by Representatives Sayan, R. King, S. Wilson, Basich, Jacobsen, P. King, Valle, Haugen, Heavey and Ebersole; by request of Joint Select Committee on Marine and Ocean Resources

Enacting the ocean natural resources management act.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Natural Resources & Parks as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

On motion of Ms. Belcher, Substitute House Bill No. 1190 was substituted for House Bill No. 1190, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1190 was read the second time.

Mr. Locke moved adoption of the committee amendment on page 6, following line 28, and spoke in favor of it. The committee amendment was adopted.

Mr. Locke moved adoption of the committee amendments on page 7, lines 2 and 8, and spoke in favor of them. The committee amendments were adopted.

On motion of Mr. Locke, the committee amendment to the title was adopted.

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

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

POINT OF INQUIRY

Ms. Belcher yielded to question by Mr. Ferguson.

Mr. Ferguson: Representative Belcher, the question is as follows. If the state completes the analysis necessary before the 1995 deadline on the moratorium, can that moratorium be lifted?

Ms. Belcher: Absolutely yes.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1190, and the bill passed the House by the following vote: Yeas, 92; nays, 1; absent, 2; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representative Hargrove - 1.

Absent: Representatives Leonard, Wineberry - 2.

Excused: Representatives Day, Dellwo, Hankins - 3.

Engrossed Substitute House Bill No. 1190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I was erroneously recorded as a "No" vote against Engrossed Substitute House Bill No. 1190. I am in favor of continuing, as this legislation would, the existence of the Joint Committee on Oceanic Research, and continuing the moratorium on off-shore oil drilling.

JAMES E. HARGROVE, 24th District.

HOUSE BILL NO. 1249, by Representatives Rust, D. Sommers, G. Fisher, May, Anderson, S. Wilson, Kremen, Pruitt, Valle, Winsley, Jones, K. Wilson, O'Brien, Locke, Brekke, Phillips, Spanel, Heavey and Miller

Addressing plastic debris in marine environments.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 31st Day, February 8, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Environmental Affairs as further amended by Committee on Appropriations. (For committee amendments, see Journal, 52nd Day, March 1, 1989.)

Ms. Rust moved adoption of the committee amendment by Committee on Environmental Affairs and spoke in favor of it. The committee amendment was adopted.

Mr. Grant moved adoption of the committee amendments by Committee on Appropriations and spoke in favor of them. The committee amendments were adopted.

With consent of the House, the committee amendment by Committee on Appropriations to the title was adopted.

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

Representatives Rust and D. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1249, and the bill passed the House by the following vote: Yeas, 93; absent, 2; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Horn, Wood - 2.

Excused: Representatives Day, Dellwo, Hankins - 3.

Engrossed House Bill No. 1249, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENTS FOR THE JOURNAL

I was off the floor on a telephone call during the vote on Engrossed House Bill No. 1249. My intentions were to vote "Yea" on this bill.

JIM HORN, 41st District.

I was away from my desk when the vote was taken on final passage of Engrossed House Bill No. 1249. I would have voted "Yes."

JEANNETTE WOOD, 21st District.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1397 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1397, by Representatives Rayburn, Baugher, Nealey, Sprenkle, Doty, Chandler, Beck, Heavey, Haugen, Sayan, Jones, Phillips, Crane, H. Myers, Insee and Todd; by request of Governor Gardner

Regarding water use efficiency and conservation.

The bill was read the second time. On motion of Ms. Rayburn, Substitute House Bill No. 1397 was substituted for House Bill No. 1397, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1397 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1397, and the bill passed the House by the following vote: Yeas, 94; absent, 1; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Wilson K - 1.

Excused: Representatives Day, Deilwo, Hankins - 3.

Substitute House Bill No. 1397, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1293 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1293, by Representatives G. Fisher, Cantwell, Doty, Schoon, Rasmussen, Raiter, Moyer, Rector, R. King, Todd, McLean and P. King; by request of Director of Trade and Economic Development

Revising provisions for the community economic revitalization board.

The bill was read the second time. On motion of Ms. Cantwell, Substitute House Bill No. 1293 was substituted for House Bill No. 1293, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1293 was read the second time.

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

Representatives G. Fisher and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1293, and the bill passed the House by the following vote: Yeas, 93; nays, 1; absent, 1; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang,

Wilson K. Wilson S. Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representative Brekke - 1.

Absent: Representative Heavey - 1.

Excused: Representatives Day, Dellwo, Hankins - 3.

Substitute House Bill No. 1293, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1294, by Representatives Rector, Cantwell, Doty, Schoon, Rasmussen, Moyer, Raiter, Day, Peery, Wineberry, Winsley, Dorn, Morris, Dellwo, Heavey, Prentice, Leonard, Valle, Wang, G. Fisher, Basich, Kremen, Jones, Cooper, Walk, R. King, Phillips, Hine, Todd, Pruitt, Brekke, H. Myers, Ebersole, Jacobsen, Inslee, Crane, Sprengle and P. King

Establishing the Washington employment futures program.

The bill was read the second time. On motion of Ms. Cantwell, Substitute House Bill No. 1294 was substituted for House Bill No. 1294, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1294 was read the second time.

Mr. Schoon moved adoption of the following amendment by Representatives Schoon and Silver:

On page 9, line 6, strike "December 31," and insert "June 30."

Representatives Schoon and Cantwell spoke in favor of adoption of the amendment, and it was adopted.

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

Representatives Schoon, Cantwell, Rector, Doty, Ferguson and Moyer spoke in favor of passage of the bill, and Ms. Schmidt opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1294, and the bill passed the House by the following vote: Yeas, 82; nays, 13; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Dorn, Doty, Ebersole, Ferguson, Fisher G. Fisher R. Fraser, Gallagher, Grant, Hargrove, Haugen, Hine, Horn, Inslee, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 82.

Voting nay: Representatives Beck, Bowman, Brumsickle, Fuhrman, Heavey, Holland, Jesernig, McLean, Padden, Schmidt, Silver, Van Luvan, Wolfe - 13.

Excused: Representatives Day, Dellwo, Hankins - 3.

Engrossed Substitute House Bill No. 1294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Day appeared at the bar of the House.

MOTION

Mr. Heavey moved that the House recess until 5:30 p.m. The motion was carried.

EVENING SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 5:30 p.m. The Clerk called the roll and all members were present except Representatives Appelwick, Belcher, Brekke, Chandler, Dorn, Ebersole, Hankins, Locke, May,

McLean, Nealey, Peery, Pruitt, Sayan, Silver, H. Sommers, Spanel, Sprenkle, Todd, Valle, Wang, Wineberry and Youngsman. On motion of Ms. Cole, Representatives Pruitt and Todd were excused.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1476 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1476, by Representatives Basich, Doty, Spanel, Cantwell, Vekich, Kremen, Hargrove, Schoon, Sayan, Baugher, Inslee, Jesernig, Rasmussen, Rayburn, Walk, Jones, Rector, Raiter, Locke, Moyer, Youngsman, Walker, Winsley, Bowman, Brough, D. Sommers, Silver, Tate, Ferguson, Wineberry, P. King, Pruitt, Ebersole, Sprenkle, Morris and Todd

Establishing the Washington marketplace program.

The bill was read the second time. On motion of Mr. Heavey, Second Substitute House Bill No. 1476 was substituted for House Bill No. 1476, and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1476 was read the second time.

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

Representatives Basich, Doty and Vekich spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1476, and the bill passed the House by the following vote: Yeas, 75; absent, 21; excused, 2.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Betrozoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Padden, Patrick, Phillips, Prentice, Prince, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Smith, Sommers D, Tate, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Winsley, Wolfe, Wood, Zellinsky, and Mr. Speaker - 75.

Absent: Representatives Appelwick, Belcher, Brekke, Chandler, Dorn, Ebersole, Hankins, Locke, May, McLean, Nealey, Peery, Sayan, Silver, Sommers H, Spanel, Sprenkle, Valle, Wang, Wineberry, Youngsman - 21.

Excused: Representatives Pruitt, Todd - 2.

Second Substitute House Bill No. 1476, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Ms. Miller, Representative Hankins was excused.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 2023 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 2023, by Representatives G. Fisher, Cantwell, Schoon, Winsley, Ferguson and Tate

Providing for technology development and commercialization.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Trade & Economic Development as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

On motion of Ms. Cantwell, Substitute House Bill No. 2023 was substituted for House Bill No. 2023, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2023 was read the second time.

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

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

Representatives Appelwick, Belcher, Brekke, Chandler, Dorn, Ebersole, Locke, May, McLean, Nealey, Peery, Sayan, Silver, H. Sommers, Spanel, Sprenkle, Valle, Wang, Wineberry and Youngsman appeared at the bar of the House.

On motion of Mr. Grant, the committee amendments by Committee on Appropriations were adopted.

On motion of Ms. Cantwell, the committee amendments by Committee on Appropriations to the title were adopted.

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

Representatives G. Fisher and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2023, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Hankins, Pruitt, Todd - 3.

Engrossed Substitute House Bill No. 2023, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Mr. Heavey, having voted on the prevailing side, moved that the House immediately reconsider the vote by which Second Substitute House Bill No. 1476 passed the House. The motion was carried.

SECOND SUBSTITUTE HOUSE BILL NO. 1476, by Committee on Appropriations (originally sponsored by Representatives Basich, Doty, Spanel, Cantwell, Vekich, Kremen, Hargrove, Schoon, Sayan, Baugher, Inslee, Jesernig, Rasmussen, Rayburn, Walk, Jones, Rector, Raiter, Locke, Moyer, Youngsman, Walker, Winsley, Bowman, Brough, D. Sommers, Silver, Tate, Ferguson, Wineberry, P. King, Pruitt, Ebersole, Sprenkle, Morris and Todd)

Establishing the Washington marketplace program.

RECONSIDERATION

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage on reconsideration of Second Substitute House Bill No. 1476.

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

ROLL CALL

The Clerk called the roll on the final passage on reconsideration of Second Substitute House Bill No. 1476, and the bill passed the House by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller,

Morris, Moyer, Myers H. Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D. Sommers H. Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K. Wilson S. Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Locke - 1.

Excused: Representatives Hankins, Pruitt, Todd - 3.

Second Substitute House Bill No. 1476, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1495 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1495, by Representatives Vekich, Cantwell, Hargrove, Basich, Belcher, Kremen, Day, O'Brien, Locke, Jones, Ferguson, Wineberry, Rector, Wang, Cooper, P. King, Walk, Schoon, Sayan, Spanel, Dorn, Rasmussen, Brekke and Morris

Establishing a business and job retention program.

The bill was read the second time. On motion of Ms. Cantwell, Substitute House Bill No. 1495 was substituted for House Bill No. 1495, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1495 was read the second time.

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

Representatives Vekich, Cantwell, Doty and Moyer spoke in favor of passage of the bill, and Representatives Silver and Nealey opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1495, and the bill passed the House by the following vote: Yeas, 89; nays, 6; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G. Fisher R. Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P. King R. Kremen, Leonard, Locke, May, McLean, Meyers R. Miller, Morris, Moyer, Myers H. Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Smith, Sommers D. Sommers H. Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K. Wilson S. Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Beck, Nealey, Padden, Schmidt, Silver, Wolfe - 6.

Excused: Representatives Hankins, Pruitt, Todd - 3.

Substitute House Bill No. 1495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1853 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1853, by Representatives Jones, Hargrove, Rust, Winsley, Haugen, Spanel, Basich, R. King, Belcher, Cole, Jacobsen, Pruitt, P. King, Valle and Nelson

Providing for oil spill damage assessments.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Environmental Affairs as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

On motion of Ms. Rust, Substitute House Bill No. 1853 was substituted for House Bill No. 1853, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1853 was read the second time.

Mr. Grant moved adoption of the committee amendment on page 3, after line 17, and spoke in favor of it. The committee amendment was adopted.

Mr. Grant moved adoption of the committee amendment on page 9, after line 1, and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Grant, the committee amendment to the title was adopted.

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

Representatives Jones, Walker and Rust spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1853, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Hankins, Pruitt, Todd - 3.

Engrossed Substitute House Bill No. 1853, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Pruitt appeared at the bar of the House.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1671 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1671, by Representatives Sprenkle, D. Sommers, Basich, Pruitt, Braddock, Appelwick, Ebersole, Walker, Phillips, Brekke, Rust, May, R. Fisher, Valle, Nelson, Rasmussen, Rector, Spanel, Todd and R. King

Providing major solid waste reform.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Do pass substitute by Committee on Environmental Affairs as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

On motion of Ms. Rust, Substitute House Bill No. 1671 was substituted for House Bill No. 1671, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1671 was read the second time.

Mr. Grant moved adoption of the committee amendment by Committee on Appropriations.

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

On page 49, after line 17, insert:

"Sec. 75. RCW 82.18.010 is amended to read as follows:

For the purposes of this chapter:

(1) ~~((Refuse collection))~~ Solid waste collection business' means every person who receives waste for transfer, storage, or disposal including but not limited to all ~~((collection services))~~

solid waste collection companies as defined under RCW 81.77.010, public or private dumps, transfer stations, and similar operations.

(2) 'Person' shall have the meaning given in RCW 82.04.030 or any later, superseding section.

(3) 'Waste' means garbage, trash, rubbish, or other material discarded as worthless or not economically viable for further use. The term does not include hazardous or toxic waste nor does it include material collected primarily for recycling or salvage.

(4) 'Taxpayer' means that person upon whom the ~~((refuse))~~ solid waste collection tax is imposed.

Sec. 76. RCW 82.18.020 is amended to read as follows:

There is imposed on each person using the services of a ~~((refuse))~~ solid waste collection business a ~~((refuse))~~ solid waste collection tax equal to three and six-tenths percent of the consideration charged for the services."

Renumber the sections consecutively and correct any internal references accordingly.

Mr. Sprenkle spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

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

On page 49, line 34, after "act." strike everything through "surcharge" on page 50, line 2.

On page 51, after line 19, insert:

"Sec. 81. RCW 82.18.050 is amended to read as follows:

The ~~((refuse))~~ solid waste collection taxes imposed in this chapter shall not apply to any agency, division, or branch of the federal government or to services rendered under a contract therewith.

Sec. 82. RCW 82.18.060 is amended to read as follows:

To prevent pyramiding and multiple taxation of a single transaction, ~~((this))~~ the solid waste collection taxes imposed in this chapter shall not apply to any ~~((refuse))~~ solid waste collection business using the services of another ~~((refuse))~~ solid waste collection business for the transfer, storage, or disposal of the waste collected during the transaction.

To be eligible for this exemption, a person first must be certified by the department of revenue as a ~~((refuse))~~ solid waste collection business.

Sec. 83. RCW 82.18.070 is amended to read as follows:

Chapter 82.32 RCW applies to the taxes imposed under this chapter.

Sec. 84. RCW 82.18.080 is amended to read as follows:

The department of revenue shall have the power to enforce the taxes imposed in this chapter through appropriate rules."

Renumber the sections consecutively and correct any internal references accordingly.

Mr. Sprenkle spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Ms. Rust moved adoption of the following amendments by Representatives Rust, Sprenkle and D. Sommers to the committee amendment:

On page 2, line 23, after "processing" strike "of"

On page 3, beginning on line 10, strike "waste reduction and"

On page 3, line 17, beginning with "and" strike all the material down to and including "discouraged" on line 19

On page 3, line 23, strike "citizens of all ages" and insert "people"

On page 3, line 25, strike "government" and insert "governmental"

On page 3, line 26, strike "for the citizens of the state"

On page 4, line 25, before "means" insert "or 'wastes'"

On page 6, line 8, strike "adoption of" and insert "adopting"

On page 6, line 12, strike "This same" and insert "The"

On page 9, line 25, strike "local government" and insert "county or city"

On page 9, line 29, strike "citizens"

On page 12, line 17, after "transporting" insert "source separated"

On page 12, beginning on line 21, strike ", drop-box, or other such collection point" and insert "or drop-box"

On page 15, after line 25, insert "For purposes of issuing certificates under this chapter, the commission may adopt categories of solid wastes, including but not limited to garbage, refuse, demolition debris, and infectious waste. A certificate may be issued for one or more categories of solid waste. Certificates issued on or before the effective date of this act shall continue to authorize collection of only those categories of waste specified in the certificate."

On page 18, line 24, strike "defined in" and insert "required under"

On page 20, beginning on line 3, strike "holding a permit under section 11 of this act"

On page 20, line 11, after "holder," insert "The provisions of chapter 39.12 RCW shall apply to contracts awarded under this section."

On page 20, line 18, strike "~~((garbage)) solid waste~~" and insert "garbage"

On page 20, line 20, strike "~~((garbage)) solid waste~~" and insert "garbage"

On page 20, line 30, after "contract," insert "The provisions of chapter 39.12 RCW shall apply to contracts awarded under this section."

On page 21, line 2, strike "garbage and" and insert "solid waste"

On page 21, line 7, strike "solid waste collection" and insert "garbage collection and disposal"

On page 22, line 12, after "protection," insert "and"

On page 22, beginning on line 27, strike "also conduct monitoring of" and insert "monitor"

On page 28, line 19, strike "legislature"

On page 28, line 21, after "impose" insert "such"

On page 28, line 31, strike "legislature"

On page 28, line 33, after "impose" insert "such"

On page 29, line 7, strike "~~((garbage)) solid waste~~" and insert "garbage"

On page 29, line 9, strike "solid waste" and insert "garbage"

On page 29, line 11, strike "solid waste" and insert "garbage"

On page 43, line 28, strike "department" and insert "office"

On page 51, beginning on line 23 strike ", RCW 35.21.120, and 36.58.040"

On page 51, line 34, beginning with ";" strike all the material down to and including "materials" on page 52, line 9, and insert "and"

(2) All known and measurable costs relate to implementation of the approved county or city comprehensive solid waste management plan"

Re-number the remaining subsections consecutively and correct internal references accordingly.

On page 56, line 14, beginning with "The" strike all of the material down to and including "87" on line 18, and insert "Sections 85 and 86"

Re-number remaining sections consecutively and correct internal references accordingly.

Ms. Rust spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Ms. Rust moved adoption of the following amendment to the committee amendment:

On page 15, line 31, beginning with "that" strike all the material down to and including "plan," on line 32 and insert "and in the public interest."

Ms. Rust spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Ms. Rust moved adoption of the following amendment by Representatives Rust and Sprenkle to the committee amendment:

On page 18, after line 20, insert the following:

NEW SECTION. Sec. 20. A new section is added to chapter 81.77 RCW to read as follows:

Nothing in this chapter shall prevent a recycling company or nonprofit entity from collecting and transporting recyclable materials to or from a buy-back center or drop-box, or upon agreement with a solid waste collection company.

Nothing in this chapter shall be construed as prohibiting a commercial or industrial generator of commercial recyclable materials from selling, conveying, or arranging for transportation of such material to a recycler for reuse or reclamation.

NEW SECTION. Sec. 20. A new section is added to chapter 70.95 RCW to read as follows:

Nothing in this chapter shall prevent a recycling company or nonprofit entity from collecting and transporting recyclable materials to or from a buy-back center or drop-box, or upon agreement with a solid waste collection company.

Nothing in this chapter shall be construed as prohibiting a commercial or industrial generator of commercial recyclable materials from selling, conveying, or arranging for transportation of such material to a recycler for reuse or reclamation.

NEW SECTION. Sec. 20. A new section is added to chapter 35.21 RCW to read as follows:

Nothing in this chapter shall prevent a recycling company or nonprofit entity from collecting and transporting recyclable materials to or from a buy-back center or drop-box, or upon agreement with a solid waste collection company, as defined in RCW 81.77.010.

Nothing in this chapter shall be construed as prohibiting a commercial or industrial generator of commercial recyclable materials from selling, conveying, or arranging for transportation of such material to a recycler for reuse or reclamation.

NEW SECTION. Sec. 20. A new section is added to chapter 36.58 RCW to read as follows:

Nothing in this chapter shall prevent a recycling company or nonprofit entity from collecting and transporting recyclable materials to or from a buy-back center or drop-box, or upon agreement with a solid waste collection company.

Nothing in this chapter shall be construed as prohibiting a commercial or industrial generator of commercial recyclable materials from selling, conveying, or arranging for transportation of such material to a recycler for reuse or reclamation."

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

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

On page 26, after line 12, insert "However, an incinerator may not be constructed unless a ballot proposition authorizing the incinerator has been approved by a simple majority vote of the voters of the county in which the incinerator is to be located, if the incinerator is to be located in the unincorporated area of the county, or by a simple majority vote of the voters of the city in which the incinerator is to be located."

Mr. Padden spoke in favor of adoption of the amendment to the committee amendment, and Representatives Rust and Walker opposed it.

POINT OF INQUIRY

Ms. Rust yielded to question by Mr. G. Fisher.

Mr. G. Fisher: Would this amendment affect the current incinerator project in Spokane?

Ms. Rust: No, it would not. The section, to which this amendment applies, would state immediately after the amendment, if you put it in, "This section shall not apply to counties and cities that have entered into a contract to construct an incinerator on or before the effective date of this act."

Representatives Brough and Wolfe spoke in favor of adoption of the amendment to the committee amendment, and Representatives Heavey and Moyer opposed it.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the adoption of the amendment by Representative Padden to the committee amendment.

The Speaker (Mr. O'Brien presiding), being in doubt, called upon the House to divide. The result of the division was: Yeas - 15; Nays - 76. The amendment was not adopted.

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

On page 49, line 21, after "one" strike "and two-tenths"

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

Ms. Rust moved adoption of the following amendment by Representatives Rust and Sprenkle to the committee amendment:

On page 50, line 13, strike "legislative budget committee" and insert "department of ecology"

Ms. Rust spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

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

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

On page 58, line 30 of the committee's title amendment, strike "making an appropriation."

On motion of Ms. Rust, the committee amendment to the title as amended was adopted.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 2059 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 2059, by Representatives Sayan, Cantwell, Basich, Van Luven, Jones, Dorn, Ferguson, Rayburn and P. King

Creating the Washington hardwoods commission.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 52nd Day, March 1, 1989.) Committee on Revenue recommendation: Majority, do pass as amended by Committee on Trade & Economic Development as further amended by Committee on Revenue. (For committee amendment, see Journal, 57th Day, March 6, 1989.)

Ms. Cantwell moved adoption of the committee amendments by Committee on Trade & Economic Development and spoke in favor of them. The committee amendments were adopted.

Mr. Wang moved adoption of the committee amendment by Committee on Revenue and spoke in favor of it. The committee amendment was adopted.

Mr. Sayan moved adoption of the following amendment:

On page 4, line 2, after "feet" insert "or three and six-tenths cents per green ton"

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

Mr. Heavey demanded a Call of the House, and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Hankins, Nealey and Todd.

On motion of Mr. Ebersole, the absent members were excused and the House proceeded with business under the call of the House.

House Bill No. 2059 was ordered engrossed. On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sayan, Basich and Tate spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2059, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Railer, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Hankins, Nealey, Todd - 3.

Engrossed House Bill No. 2059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Nealey and Todd appeared at the bar of the House.

MOTION

On motion of Ms. Miller, Representative Silver was excused from further proceedings under the Call of the House.

On motion of Mr. Heavey, the House advanced to the seventh order of business.

THIRD READING

MOTION

Mr. Heavey moved that the House immediately consider Engrossed Substitute House Bill No. 1104 on the third reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1104, by Committee on Environmental Affairs (originally sponsored by Representatives Valle, Van Luven, Rust, Brekke and Phillips; by request of Department of Ecology)

Revising provisions for motor vehicle inspection and maintenance.

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

Representatives Valle, Sprenkle, Rust and Van Luven spoke in favor of passage of the bill, and Representatives May, Crane, Heavey and Miller spoke against it.

The Speaker resumed the chair.

Mr. Hargrove spoke against passage of the bill.

Representative Crane demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1104, and the bill passed the House by the following vote: Yeas, 54; nays, 42; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Belcher, Bowman, Braddock, Brekke, Brooks, Brumsickle, Cantwell, Cole, Cooper, Day, Dellwo, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Hine, Horn, Inslee, Jacobsen, Jones, King P, King R, Leonard, Locke, Moyer, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Ratter, Rust, Scott, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wineberry, Wood, and Mr. Speaker - 54.

Voting nay: Representatives Ballard, Basich, Baugher, Beck, Betzoff, Bristow, Brough, Chandler, Crane, Dorn, Doty, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Holland, Jesernig, Kremen, May, McLean, Meyers R, Miller, Morris, Nealey, Padden, Patrick, Prince, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Smith, Vekich, Wilson S, Winsley, Wolfe, Youngsman, Zellinsky - 42.

Excused: Representatives Hankins, Silver - 2.

Engrossed Substitute House Bill No. 1104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider Engrossed Substitute House Bill No. 1581 on the third reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1581, by Committee on Commerce & Labor (originally sponsored by Representatives Wang, Brough, Cole, Miller, Vekich, Anderson, R. King, Winsley, Hankins, Rector, Brekke, Appelwick, Jacobsen, Leonard, Dellwo, Nutley, Locke, Belcher, H. Sommers, R. Fisher, Wineberry, Sayan, Prentice, Valle, Crane, Nelson, Ebersole, Fraser, Phillips, Rust and Basich)

Providing for family and medical leave.

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

Representatives Wang, Cole, Vekich, Zellinsky, Miller, Anderson, Ebersole and Rector spoke in favor of passage of the bill, and Representatives Patrick, Schoon, Wolfe, and Youngsman spoke against it.

Representative Crane demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1581, and the bill passed the House by the following vote: Yeas, 57; nays, 39; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Haugen, Heavey, Hine, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Miller, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 57.

Voting nay: Representatives Ballard, Baugher, Beck, Betzoff, Bowman, Brooks, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Gallagher, Grant, Hargrove, Holland, Horn, Insee, May, McLean, Morris, Moyer, Myers H, Nealey, Padden, Patrick, Prince, Raiter, Rayburn, Schmidt, Schoon, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Wolfe, Wood, Youngsman - 39.

Excused: Representatives Hankins, Silver - 2.

Engrossed Substitute House Bill No. 1581, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider Substitute House Bill No. 1963 on the third reading calendar. The motion was carried.

SUBSTITUTE HOUSE BILL NO. 1963, by Committee on Health Care (originally sponsored by Representatives Vekich, Brooks, Braddock, Morris, Bristow, Day, Sprenkle, Spanel, Wolfe, Rector, K. Wilson, D. Sommers, Cantwell, Jones, Wang, Todd, Prentice, Winsley, P. King, Heavey, Walk, Cooper, Jacobsen, R. King, Brough, Basich, Dellwo, Zellinsky, Kremen, Phillips, Pruitt, Nelson, Hine, G. Fisher, Rust, Rasmussen, Leonard, H. Myers, Fraser and Miller)

Establishing the maternity care access act.

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

Representatives Vekich, Moyer, Brooks and Braddock spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1963, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, Silver - 2.

Substitute House Bill No. 1963, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider Second Substitute House Bill No. 1378 on the third reading calendar. The motion was carried.

SECOND SUBSTITUTE HOUSE BILL NO. 1378, by Committee on Revenue (originally sponsored by Representatives Braddock, Sprenkle, Vekich, Cantwell, Cole, Rust, Anderson, Basich, Sayan, Fraser and Phillips; by request of Governor Gardner)

Changing provisions relating to health care costs and access to health care.

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

Representatives Braddock, Sprenkle, Hargrove, Locke, Winsley, Morris and Brooks spoke in favor of passage of the bill, and Representatives Wolfe, Holland, Moyer and Padden opposed it. Mr. Braddock again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1378, and the bill passed the House by the following vote: Yeas, 54; nays, 42; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisher R, Fraser, Gallagher, Hargrove, Heavey, Hine, Jacobsen, Jones, King R, Leonard, Locke, Morris, Myers H, Nelson, Nutley, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Scott, Smith, Sommers H, Spanel, Sprenkle, Todd, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, and Mr. Speaker - 54.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Brough, Brumsickle, Dorn, Doty, Ferguson, Fisher G, Fuhrman, Grant, Haugen, Holland, Horn, Inslee, Jesernig, King P, Kremen, May, McLean, Meyers R, Miller, Moyer, Nealey, O'Brien, Padden, Patrick, Prince, Rayburn, Sayan, Schmidt, Schoon, Sommers D, Tate, Valle, Van Luven, Walker, Wolfe, Wood, Youngsman, Zellinsky - 42.

Excused: Representatives Hankins, Silver - 2.

Second Substitute House Bill No. 1378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider Substitute House Bill No. 1278 on the third reading calendar. The motion was carried.

SUBSTITUTE HOUSE BILL NO. 1278, by Committee on Transportation (originally sponsored by Representatives G. Fisher, Wood, Cantwell, Winsley, Rector, Walk, Phillips, Hine and Sprenkle; by request of Governor Gardner)

Expanding membership of the transportation improvement board.

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

Representative G. Fisher spoke in favor of passage of the bill, and Representatives Schmidt and Betrozoff opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1278, and the bill passed the House by the following vote: Yeas, 61; nays, 35; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 61.

Voting nay: Representatives Ballard, Basich, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 35.

Excused: Representatives Hankins, Silver - 2.

Substitute House Bill No. 1278, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Ebersole, the House dispensed with further business under the Call of the House.

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

MOTIONS

On motion of Mr. Ebersole, Engrossed Substitute Senate Bill No. 5130 was referred from Committee on Energy & Utilities to Committee on Local Government.

On motion of Mr. Ebersole, Engrossed Senate Bill No. 5689 was referred from Committee on Financial Institutions & Insurance to Committee on Commerce & Labor.

On motion of Mr. Ebersole, Engrossed Substitute Senate Bill No. 5933 was referred from Committee on Commerce & Labor to Committee on State Government.

STATEMENT FOR THE JOURNAL

If I had been present on Thursday, March 9, 1989, I would have voted "Yes" on the final passage of the following bills: Engrossed House Bill No. 1623, Substitute House Bill No. 1669, Engrossed House Bill No. 1673, House Bill No. 1747, Substitute House Bill No. 1582, Engrossed Substitute House Bill No. 1584, Substitute House Bill No. 2012, House Bill No. 2045, House Joint Memorial No. 4012, Engrossed Substitute House Bill No. 1086, Second Substitute House Bill No. 1180, House Bill No. 1757, House Bill No. 1791, House Bill No. 1895, House Bill No. 1904, House Bill No. 1976, House Bill No. 1980, House Bill No. 2010, Substitute House Bill No. 2088, Engrossed House Bill No. 2135, Substitute House Bill No. 1039, Engrossed Substitute House Bill No. 1123, Engrossed Substitute House Bill No. 1133, Engrossed Substitute House Bill No. 1190, Engrossed House Bill No. 1249, Substitute House Bill No. 1397, Substitute House Bill No. 1293, Second Substitute House Bill No. 1476, Engrossed Substitute House Bill No. 2023, Second Substitute House Bill No. 1476 on reconsideration, Substitute House Bill No. 1495, Engrossed Substitute House Bill No. 1853, Engrossed House Bill No. 2059, and Substitute House Bill No. 1963.

I would have voted "No" on the final passage of House Bill No. 1950, Engrossed Substitute House Bill No. 1294, Engrossed Substitute House Bill No. 1104, Engrossed Substitute House Bill No. 1581, Second Substitute House Bill No. 1378, and Substitute House Bill No. 1278.

SHIRLEY HANKINS, 8th District.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:30 a.m., Friday, March 10, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SIXTY-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Friday, March 10, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Hankins, H. Sommers and Wang.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nova Jarvis and David Kerr. Prayer was offered by The Reverend Dr. Walter Pulliam, Senior Pastor of the First Baptist Church of Olympia.

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

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

March 10, 1989

On this day in 1889, Henry L. Wilson accepted the post of U.S. Marshal for Washington Territory, having rejected the position as Territorial Governor. The Marshal's position paid \$10,000 per year. And, near Yakima, forty-five farmers formed the Ahtanum Riparian Rights Association. The farmers owned twenty thousand acres.

On March 10, 1890 professional baseball was organized in Spokane. A \$10,000 stock company was formed; the manager came from St. Paul and the team won the pennant.

MESSAGES FROM THE SENATE

March 8, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5071,
 ENGROSSED SENATE BILL NO. 5121,
 SUBSTITUTE SENATE BILL NO. 5195,
 ENGROSSED SENATE BILL NO. 5226,
 SUBSTITUTE SENATE BILL NO. 5265,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5275,
 SUBSTITUTE SENATE BILL NO. 5324,
 ENGROSSED SENATE BILL NO. 5335,
 SUBSTITUTE SENATE BILL NO. 5357,
 ENGROSSED SENATE BILL NO. 5370,
 SENATE BILL NO. 5371,
 SENATE BILL NO. 5393,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5441,
 SUBSTITUTE SENATE BILL NO. 5450,
 SENATE BILL NO. 5452,
 SENATE BILL NO. 5466,
 SUBSTITUTE SENATE BILL NO. 5469,
 ENGROSSED SENATE BILL NO. 5478,
 SENATE BILL NO. 5484,
 SENATE BILL NO. 5489,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5522,
 SENATE BILL NO. 5552,
 SENATE BILL NO. 5705,
 SENATE BILL NO. 5853,

SUBSTITUTE SENATE BILL NO. 5893,
SENATE BILL NO. 5916,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5984,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 9, 1989

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5502,
SUBSTITUTE SENATE BILL NO. 5503,
ENGROSSED SENATE BILL NO. 5536,
SUBSTITUTE SENATE BILL NO. 5542,
SUBSTITUTE SENATE BILL NO. 5547,
SENATE BILL NO. 5579,
SENATE BILL NO. 5580,
SUBSTITUTE SENATE BILL NO. 5581,
ENGROSSED SENATE BILL NO. 5622,
SENATE BILL NO. 5636,
SUBSTITUTE SENATE BILL NO. 5641,
SUBSTITUTE SENATE BILL NO. 5648,
SENATE BILL NO. 5657,
ENGROSSED SENATE BILL NO. 5677,
SUBSTITUTE SENATE BILL NO. 5688,
SUBSTITUTE SENATE BILL NO. 5702,
SENATE BILL NO. 5771,
SUBSTITUTE SENATE BILL NO. 5776,
SUBSTITUTE SENATE BILL NO. 5782,
SUBSTITUTE SENATE BILL NO. 5786,
SUBSTITUTE SENATE BILL NO. 5790,
SUBSTITUTE SENATE BILL NO. 5812,
SUBSTITUTE SENATE BILL NO. 5827,
SUBSTITUTE SENATE BILL NO. 5857,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

SSB 5071 by Committee on Children & Family Services (originally sponsored by Senators Smith, Craswell and Stratton)

Regarding surrogate parenting.

Referred to Committee on Health Care.

ESB 5121 by Senators Fleming, Bailey, Talmadge, Gaspard, Murray, Smith, Moore and Benitz

Creating a mobile substance abuse awareness program.

Referred to Committee on Education.

SSB 5195 by Committee on Agriculture (originally sponsored by Senators Barr, Hansen, Talmadge, Williams, Conner, Rasmussen, Gaspard, Bauer, Warnke, Benitz and Lee; by request of Governor)

Regarding water use efficiency and conservation.

Referred to Committee on Agriculture & Rural Development.

ESB 5226 by Senators Saling, Bauer, Patterson and Stratton

Creating a graduate teacher fellowship pilot program.

Referred to Committee on Higher Education.

- SSB 5265 by Committee on Transportation (originally sponsored by Senators Rasmussen and Metcalf)
Regulating certain charter boats on state water.
Referred to Committee on Natural Resources & Parks.
- ESSB 5275 by Committee on Energy & Utilities (originally sponsored by Senators Lee and Talmadge)
Regulating high voltage fields.
Referred to Committee on Energy & Utilities.
- SSB 5324 by Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Owen, Sutherland, Johnson, Kreidler, DeJarnatt, Bluechel, Sellar, Saling, Bailey, Gaspard and Lee; by request of Governor)
Continuing interagency committee for outdoor recreation.
Referred to Committee on State Government.
- ESB 5335 by Senators Smitherman, McCaslin, Cantu and Rasmussen; by request of Governor
Improving state motor vehicle operations.
Referred to Committee on State Government.
- SSB 5357 by Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Moore, Rasmussen, Matson and Johnson; by request of Insurance Commissioner)
Defining insurance education provider and establishing requirements for such providers.
Referred to Committee on Financial Institutions & Insurance.
- ESB 5370 by Senators Gaspard and Bailey
Regarding school self-study.
Referred to Committee on Education.
- SB 5371 by Senators Gaspard, Bailey and Bauer
Establishing an award for excellence in teacher preparation.
Referred to Committee on Education.
- SB 5393 by Senators Johnson, Niemi, West, Kreidler, Smitherman and Smith; by request of Higher Education Coordinating Board
Revising provisions for educational assistance for nurses.
Referred to Committee on Higher Education.
- ESSB 5441 by Committee on Transportation (originally sponsored by Senators von Reichbauer, Patterson, DeJarnatt, Conner and Hansen; by request of Legislative Transportation Committee)
Licensing commercial drivers.
Referred to Committee on Transportation.
- SSB 5450 by Committee on Education (originally sponsored by Senators Talmadge, Moore, Murray and Bauer)
Providing for education in Pacific Rim languages.
Referred to Committee on Education.
- SB 5452 by Senators Nelson and Vognild
Raising vehicle license fees.
Referred to Committee on Transportation.

- SB 5466 by Senators McCaslin, DeJarnatt and Thorsness; by request of Insurance Commissioner
Removing an employee of the insurance commissioner from the building code council.
Referred to Committee on Housing.
- SSB 5469 by Committee on Health Care & Corrections (originally sponsored by Senators Nelson and Talmadge)
Revising record release criteria for alcoholism treatment facility patients.
Referred to Committee on Human Services.
- ESB 5478 by Senators Amondson, Owen, Metcalf, Kreidler, DeJarnatt, McMullen and Smith
Creating a two-day steelhead punchcard.
Referred to Committee on Fisheries & Wildlife.
- SB 5484 by Senators Thorsness, Bender, McDonald, Madsen, McCaslin, Patterson, Saling, Cantu, Lee and Johnson
Creating Washington national guard day.
Referred to Committee on State Government.
- SB 5489 by Senators McCaslin, DeJarnatt and Thorsness
Clarifying the filing requirements of short subdivision surveys.
Referred to Committee on Local Government.
- SB 5502 by Senators Amondson, Kreidler, Smith and Owen
Revising advertising and sale requirements for valuable materials.
Referred to Committee on Natural Resources & Parks.
- SSB 5503 by Committee on Higher Education (originally sponsored by Senators Patterson, Vognild, Newhouse, Gaspard, Sellar, Bauer, Craswell, Warnke, Talmadge and Johnson)
Establishing the Cherberg scholarship program.
Referred to Committee on Higher Education.
- ESSB 5522 by Committee on Education (originally sponsored by Senators Rinehart, Bailey, Murray and Lee)
Permitting on-site day care for education employees.
Referred to Committee on Education.
- ESB 5536 by Senators McCaslin, DeJarnatt, McDonald, Bailey, Gaspard, Wojahn, West, Rasmussen, Warnke, Nelson, Vognild, Johnson, Kreidler, Pullen, Moore, Thorsness, Smith, Hansen, Conner, Saling, Sellar, Madsen, Talmadge, Fleming, Smitherman, Bender, Owen, McMullen, Sutherland and Bauer
Revising provisions for the state employees' benefits board.
Referred to Committee on State Government.
- SSB 5542 by Committee on Economic Development & Labor (originally sponsored by Senator Lee)
Providing for review of regulatory rules.
Referred to Committee on Commerce & labor.
- SSB 5547 by Committee on Health Care & Corrections (originally sponsored by Senators Smith and West)
Regarding payment of jail processing costs by criminal defendants.
Referred to Committee on Judiciary.

- SB 5552 by Senators Patterson, Hansen, Madsen and Benitz; by request of Utilities and Transportation Commission
Repealing filing requirements for interstate tariffs.
Referred to Committee on Transportation.
- SB 5579 by Senators McCaslin, Lee, DeJarnatt and Rasmussen; by request of Office of Financial Management
Authorizing state agencies to report past due accounts receivable to credit reporting agencies.
Referred to Committee on State Government.
- SB 5580 by Senators McCaslin and DeJarnatt; by request of Office of Financial Management
Allowing write-offs of uncollectible accounts.
Referred to Committee on State Government.
- SSB 5581 by Committee on Governmental Operations (originally sponsored by Senators McCaslin, DeJarnatt and Rasmussen; by request of Office of Financial Management)
Establishing liability for state trust funds.
Referred to Committee on State Government.
- ESB 5622 by Senators Craswell, Nelson and Lee; by request of Human Rights Commission
Prohibiting discrimination in real estate transactions against physically disabled persons who use guide dogs.
Referred to Committee on Commerce & Labor.
- SB 5636 by Senators Smitherman and Lee; by request of Employment Security Department
Revising the state/federal relationship regarding unemployment compensation benefits, recovery, and confidentiality.
Referred to Committee on Commerce & Labor.
- SSB 5641 by Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer and Moore)
Setting service charge limits on vessel retail installment contracts.
Referred to Committee on Financial Institutions & Insurance.
- SSB 5648 by Committee on Economic Development & Labor (originally sponsored by Senators Smitherman, Lee, Murray and Vognild)
Authorizing creation of a federation of Washington ports.
Referred to Committee on Trade & Economic Development.
- SB 5657 by Senators McCaslin and DeJarnatt; by request of Secretary of State
Consolidating standards for establishing voting precinct boundaries.
Referred to Committee on State Government.
- ESB 5677 by Senators Pullen, Bailey and Johnson
Prohibiting public officials from misrepresenting daily operations to inspectors.
Referred to Committee on State Government.
- SSB 5688 by Committee on Environment & Natural Resources (originally sponsored by Senators Sutherland and Bauer)
Allowing disabled persons to use power fishing reels.
Referred to Committee on Fisheries & Wildlife.

- SSB 5702 by Committee on Economic Development & Labor (originally sponsored by Senators Lee, McMullen and Smitherman)
Providing for a study of state licensing policies and procedures.
Referred to Committee on Commerce & Labor.
- SB 5705 by Senators Benitz, Bluechel and Nelson
Requiring the energy facility site evaluation council to consider the extent of carbon dioxide emissions by thermal plant facilities seeking certification.
Referred to Committee on Energy & Utilities.
- SB 5771 by Senator Nelson
Clarifying the process for perfecting interests in the assignment of rents.
Referred to Committee on Judiciary.
- SSB 5776 by Committee on Law & Justice (originally sponsored by Senator Pullen)
Regarding training for law enforcement officers and establishing a fund for drug training.
Referred to Committee on Local Government.
- SSB 5782 by Committee on Energy & Utilities (originally sponsored by Senators Benitz, Hansen, Barr and Newhouse)
Establishing criminal penalties for defrauding a public utility.
Referred to Committee on Judiciary.
- SSB 5786 by Committee on Environment & Natural Resources (originally sponsored by Senators Owen and Nelson)
Relocating certain harbor lines.
Referred to Committee on Natural Resources & Parks.
- SSB 5790 by Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Fleming, Johnson, McCaslin and McMullen)
Regulating the sale of loan servicing.
Referred to Committee on Financial Institutions & Insurance.
- SSB 5812 by Committee on Governmental Operations (originally sponsored by Senators McCaslin, Warnke, Lee and Johnson)
Prohibiting local regulation of public liability insurance for motor vehicle common carriers to the state.
Referred to Committee on Transportation.
- SSB 5827 by Committee on Agriculture (originally sponsored by Senators Barr and Moore)
Providing pet identification and certification procedures to minimize theft.
Referred to Committee on Agriculture & Rural Development.
- SB 5853 by Senators Pullen, Talmadge, McCaslin, Rasmussen, Thorsness, Hayner, Nelson and Cantu
Penalizing use of a machine gun in a felony.
Referred to Committee on Judiciary.

SSB 5857 by Committee on Governmental Operations (originally sponsored by Senators Bailey, DeJarnatt, McCaslin, Bender, Matson, Bauer and Lee)

Authorizing transfer of fixed assets acquired under bonds authorized for facilities for the developmentally disabled.

Referred to Committee on Capital Facilities & Financing.

SSB 5893 by Committee on Agriculture (originally sponsored by Senator Barr)

Promoting the review of incidents of pesticide exposure.

Referred to Committee on Commerce & Labor.

SB 5916 by Senators Barr, Newhouse, Hansen, Madsen, Bailey, Anderson and Gaspard

Revising provisions on labeling meat.

Referred to Committee on Agriculture & Rural Development.

ESSB 5984 by Committee on Agriculture (originally sponsored by Senators Newhouse and Barr)

Modifying water conservation procedures in the Yakima river basin.

Referred to Committee on Agriculture & Rural Development.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

March 8, 1989

HB 2196 Prime Sponsor, Representative Cantwell: Creating a driver's license surcharge for trauma care. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprengle and Wolfe.

Absent: Representative Vekich.

Referred to Committee on Appropriations.

March 7, 1989

SB 5031 Prime Sponsor, Senator Pullen: Correcting or amending internal references in the revised code of Washington. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Insee, P. King, Moyer, H. Myers, Patrick, Schmidt, D. Sommers and Tate.

Absent: Representatives Belcher, Brough, Locke, R. Meyers, Moyer, Patrick, Scott and Wineberry.

Passed to Committee on Rules for second reading.

March 7, 1989

SB 5032 Prime Sponsor, Senator Pullen: Repealing obsolete sections in the revised code of Washington. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Insee, P. King, Moyer, H. Myers, Patrick, Schmidt, D. Sommers and Tate.

Absent: Representatives Belcher, Brough, Locke, R. Meyers, Moyer, Patrick, Scott and Wineberry.

Passed to Committee on Rules for second reading.

March 7, 1989

SSB 5033 Prime Sponsor, Committee on Law & Justice: Making technical corrections in the revised code of Washington. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Inslee, P. King, Moyer, H. Myers, Patrick, Schmidt, D. Sommers and Tate.

Absent: Representatives Belcher, Brough, Locke, R. Meyers, Moyer, Patrick, Scott and Wineberry.

Passed to Committee on Rules for second reading.

March 7, 1989

SSB 5034 Prime Sponsor, Committee on Law & Justice: Reconciling double amendments or repeals in the revised code of Washington. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Inslee, P. King, Moyer, H. Myers, Patrick, Schmidt, D. Sommers and Tate.

Absent: Representatives Belcher, Brough, Locke, R. Meyers, Moyer, Patrick, Scott and Wineberry.

Passed to Committee on Rules for second reading.

March 7, 1989

ESB 5045 Prime Sponsor, Senator Pullen: Correcting statutes affected by vetoes by the governor. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Inslee, P. King, Moyer, H. Myers, Patrick, Schmidt, D. Sommers and Tate.

Absent: Representatives Belcher, Brough, Locke, R. Meyers, Moyer, Patrick, Scott and Wineberry.

Passed to Committee on Rules for second reading.

March 7, 1989

SB 5046 Prime Sponsor, Senator Pullen: Eliminating certain gender-specific language. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Inslee, P. King, Moyer, H. Myers, Patrick, Schmidt, D. Sommers and Tate.

Absent: Representatives Belcher, Brough, Locke, R. Meyers, Moyer, Patrick, Scott and Wineberry.

Passed to Committee on Rules for second reading.

March 8, 1989

ESSB 5048 Prime Sponsor, Committee on Children & Family Services: Extending the council for the prevention of child abuse and neglect. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 36.18.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 230, Laws of 1987 and RCW 36.18.010 are each amended to read as follows:

County auditors shall collect the following fees for their official services:

For recording instruments, for the first page, legal size (eight and one-half by thirteen inches or less), five dollars; for each additional legal size page, one dollar;

For preparing and certifying copies, for the first legal size page, three dollars; for each additional legal size page, one dollar;

For preparing noncertified copies, for each legal size page, one dollar;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing a marriage license, eight dollars. (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital

statistics) plus an additional five-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund, which five-dollar fee shall expire June 30, ~~((1988))~~ 1995, plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

For searching records per hour, eight dollars;

For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

For recording of miscellaneous records, not listed above, for first legal size page, five dollars; for each additional legal size page, one dollar.

Sec. 2. Section 5, chapter 261, Laws of 1984 as amended by section 7, chapter 270, Laws of 1986 and RCW 43.131.319 are each amended to read as follows:

The Washington council for the prevention of child abuse and neglect and its powers and duties shall be terminated on June 30, ~~((1989))~~ 1994, as provided in RCW 43.131.320.

Sec. 3. Section 6, chapter 261, Laws of 1984 as amended by section 8, chapter 270, Laws of 1986 and RCW 43.131.320 are each amended to read as follows:

The following acts or parts of acts as now existing or hereafter amended, are each repealed effective June 30, ~~((1990))~~ 1995:

(1) Section 1, chapter 4, Laws of 1982 and RCW 43.121.010;

(2) Section 2, chapter 351, Laws of 1987, section 4, chapter 278, Laws of 1988 and RCW 43.121.015;

(3) Section 2, chapter 4, Laws of 1982, section 1, chapter 261, Laws of 1984, section 3, chapter 351, Laws of 1987, section 4 of this act and RCW 43.121.020;

~~((3))~~ (4) Section 3, chapter 4, Laws of 1982, section 87, chapter 287, Laws of 1984 and RCW 43.121.030;

~~((4))~~ (5) Section 4, chapter 4, Laws of 1982 and RCW 43.121.040;

~~((5))~~ (6) Section 5, chapter 4, Laws of 1982, section 4, chapter 351, Laws of 1987, section 5, chapter 278, Laws of 1988 and RCW 43.121.050;

~~((6))~~ (7) Section 6, chapter 4, Laws of 1982 and RCW 43.121.060;

~~((7))~~ (8) Section 7, chapter 4, Laws of 1982 and RCW 43.121.070;

~~((8))~~ (9) Section 8, chapter 4, Laws of 1982 and RCW 43.121.080;

~~((9))~~ (10) Section 9, chapter 4, Laws of 1982, section 2, chapter 261, Laws of 1984, section 38, chapter 505, Laws of 1987 and RCW 43.121.090;

~~((10))~~ (11) Section 10, chapter 4, Laws of 1982, section 3, chapter 261, Laws of 1984, section 5, chapter 351, Laws of 1987 and RCW 43.121.100; ~~(and~~

~~((11))~~ (12) Section 1, chapter 278, Laws of 1988 and RCW 43.121.110;

(13) Section 2, chapter 278, Laws of 1988 and RCW 43.121.120;

(14) Section 3, chapter 278, Laws of 1988 and RCW 43.121.130; and

(15) Section 15, chapter 4, Laws of 1982 and RCW 43.121.910.

Sec. 4. Section 2, chapter 4, Laws of 1982 as last amended by section 3, chapter 351, Laws of 1987 and RCW 43.121.020 are each amended to read as follows:

(1) There is established in the executive office of the governor a Washington council for the prevention of child abuse and neglect subject to the jurisdiction of the governor.

(2) The council shall be composed of the chairperson and ~~((ten))~~ twelve other members as follows:

(a) The chairperson and ~~((four))~~ six other members shall be appointed by the governor and shall be selected for their interest and expertise in the prevention of child abuse. A minimum of four designees by the governor shall not be affiliated with governmental agencies. ~~((A minimum of two of the designees shall reside east of the Cascade mountain range))~~ The appointments shall be made on a geographic basis to assure state-wide representation. Members appointed by the governor shall serve for two-year terms, except that the chairperson and two other members designated by the governor shall initially serve for three years. Vacancies shall be filled for any unexpired term by appointment in the same manner as the original appointments were made.

(b) The secretary of social and health services or the secretary's designee and the superintendent of public instruction or the superintendent's designee shall serve as voting members of the council.

(c) In addition to the members of the council, four members of the legislature shall serve as nonvoting, ex officio members of the council, one from each political caucus of the house of representatives to be appointed by the speaker of the house of representatives and one from each political caucus of the senate to be appointed by the president of the senate."

On page 1, line 1 of the title, after "neglect;" strike the remainder of the title and insert "and amending RCW 36.18.010, 43.131.319, 43.131.320, and 43.121.020."

Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Hargrove, Leonard, Padden, Raiter and Winsley.

Absent: Representative Brekke.

Referred to Committee on Appropriations.

March 7, 1989

SB 5089 Prime Sponsor, Senator Newhouse: Changing provisions relating to transferring cases between superior courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Inslee, P. King, Moyer, H. Myers, Patrick, Schmidt, D. Sommers and Tate.

Absent: Representatives Belcher, Brough, Locke, R. Meyers, Moyer, H. Myers, Patrick, Scott and Wineberry.

Passed to Committee on Rules for second reading.

March 7, 1989

ESB 5090 Prime Sponsor, Senator Nelson: Establishing seriousness levels for unranked felonies. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 5, strike section 1.

Renumber the remaining sections consecutively.

On page 10, line 5, strike "and 3 years junior" and insert "~~((and 3 years junior))~~"

On page 1, line 2 of the title, strike "9.94A.120 and"

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Inslee, P. King, Moyer, H. Myers, Patrick, Schmidt, D. Sommers and Tate.

Absent: Representatives Belcher, Brough, Locke, R. Meyers, Moyer, Scott and Wineberry.

Passed to Committee on Rules for second reading.

March 7, 1989

ESB 5119 Prime Sponsor, Senator Pullen: Providing a procedure for unclaimed property in the hands of the Washington state patrol. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 5, line 22, after "sellers" strike everything through "first" on line 24, and insert "at least once a year, or may be offered to bona fide dealers in trade for law enforcement equipment, or may be submitted to the state department of wildlife for disposition"

On page 5, line 32, after "sale" strike everything through "purposes," on line 34 and insert ", and shall forward the remainder to the state department of wildlife for use in its firearms training program pursuant to RCW 77.32.155"

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Inslee, P. King, Moyer, H. Myers, Patrick, Schmidt, D. Sommers and Tate.

Absent: Representatives Brough, Locke, R. Meyers, Scott and Wineberry.

Passed to Committee on Rules for second reading.

March 7, 1989

SSB 5336 Prime Sponsor, Committee on Law & Justice: Providing civil immunity for persons making reports to government officials. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. Information provided by citizens concerning potential wrongdoing is vital to effective law enforcement and the efficient operation of government. The legislature finds that the threat of a civil action for damages can act as a deterrent to citizens who wish to

report information to federal, state, or local agencies. The costs of defending against such suits can be severely burdensome. The purpose of sections 1 through 3 of this act is to protect individuals who make good-faith reports to appropriate governmental bodies.

NEW SECTION. Sec. 2. A person who in good faith communicates a complaint or information to any agency of federal, state, or local government regarding any matter reasonably of concern to that agency shall be immune from civil liability on claims based upon the communication to the agency. A person prevailing upon the defense provided for in this section shall be entitled to recover costs and reasonable attorneys' fees incurred in establishing the defense.

NEW SECTION. Sec. 3. In order to protect the free flow of information from citizens to their government, an agency receiving a complaint or information under section 2 of this act may intervene in and defend against any suit precipitated by the communication to the agency. In the event that a local governmental agency does not intervene in and defend against a suit arising from any communication protected under this act, the office of the attorney general may intervene in and defend against the suit. An agency prevailing upon the defense provided for in section 2 of this act shall be entitled to recover costs and reasonable attorneys' fees incurred in establishing the defense. If the agency fails to establish the defense provided for in section 2 of this act, the party bringing the action shall be entitled to recover from the agency costs and reasonable attorney's fees incurred in proving the defense inapplicable or invalid.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act are each added to chapter 4.24 RCW.*

On page 1, line 1 of the title, after "liability;" strike the remainder of the title and insert "and adding new sections to chapter 4.24 RCW."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Inslee, P. King, Moyer, H. Myers, Patrick, Schmidt, D. Sommers and Tate.

Absent: Representatives Brough, Locke, R. Meyers, Scott and Wineberry.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Heavey, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4634, by Representatives Basich, Betrozoff, Hargrove and Vekich

WHEREAS, The Raymond High School Girl's Basketball Team, a member of the Pacific League and known as the Raymond Seagulls, has shown outstanding skills on the court to win not only the League Championship and the Southwest District Championship, but has also triumphed as the State B League Champions in a hard-fought game on Saturday, March 4, 1989 in the Spokane Coliseum; and

WHEREAS, The Seagulls finished the season with a perfect 28-0 record; and

WHEREAS, The Raymond Seagulls maintained their high standards of basketball excellence by winning three challenging matches on three consecutive days and meeting the Mossyrock Lady Vikings to become the champions by winning 56 to 44; and

WHEREAS, The coaching staff, comprised of Head Coach Dave Sangren and Assistant Coach Bill Norton, led their twelve players and three managers/statisticians to the championship through hard work and dedication to the players and the sport of basketball; and

WHEREAS, The Raymond Seagulls team captains, Seniors Dianna Stritmatter and Katrina Moudy, instilled pride in themselves, in each other and in their teammates to make this spectacular victory possible; and

WHEREAS, Team member Ronalda Dunn was named Most Valuable Player in the State Tournament; and

WHEREAS, The fifteen students have given parents and teachers in Raymond an incredible victory with which to mark Washington's Centennial Birthday; and

WHEREAS, All the girls on the team have shown outstanding academic aptitude as well as athletic competence;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State House of Representatives do hereby recognize and honor the students and coaches

of the Raymond High School Girls' Basketball Team and commend their success and accomplishment; and

BE IT FURTHER RESOLVED, That the House of Representatives extend its heartfelt congratulations to the Raymond High School Girls' Basketball Team and wishes each member of the team the best of luck in all future academic, athletic and professional endeavors; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mr. Chuck Hall, the Superintendent of the Raymond School District; Mr. Paul Furchert, Principal of Raymond High School; and Mr. Jeff Hasu, Athletic Director of Raymond High School, and to each member of the Raymond High School Girls' Basketball Team.

Mr. Basich moved adoption of the resolution. Representatives Basich and Betzoff spoke in favor of adoption of the resolution.

House Floor Resolution No. 89-4634 was adopted.

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

SECOND READING

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced that the House would immediately consider House Bill No. 1223 on the suspension calendar.

HOUSE BILL NO. 1223, by Representatives R. Fisher, McLean, Fraser and Miller; by request of Secretary of State

Removing the secretary of state from filing of interlocal cooperation agreements.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. R. Fisher spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1223.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1223, and the bill passed the House by the following vote: Yeas, 95; absent, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Hankins, Sommers H, Wang - 3.

House Bill No. 1223, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Mr. D. Sommers, Representative Hankins was excused. On motion of Mr. Dorn, Representatives Basich, Hargrove and Vekich were excused.

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

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

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

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

MOTION

Mr. Ebersole moved that the Committee on Rules be relieved of Substitute House Bill No. 1160, Engrossed Substitute House Bill No. 1671 and House Bill No. 1890 and that the bills be placed on the third reading calendar. Mr. Ebersole spoke in favor of the motion, and it was carried.

On motion of Mr. Ebersole, the House reverted to the seventh order of business.

THIRD READING

MOTION

Mr. Ebersole moved that the House immediately consider Engrossed Substitute House Bill No. 1671 on the third reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1671, by Committee on Environmental Affairs (originally sponsored by Representatives Sprenkle, D. Sommers, Basich, Pruitt, Braddock, Appelwick, Ebersole, Walker, Phillips, Brekke, Rust, May, R. Fisher, Valle, Nelson, Rasmussen, Rector, Spanel, Todd and R. King)

Providing major solid waste reform.

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

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

POINT OF ORDER

Mr. Schoon: My point of order is that the speaker is not addressing the bill before us.

SPEAKER'S RULING

The Speaker (Mr. O'Brien presiding): The speaker does have some latitude, but I would suggest that you try to hold your remarks to the germaneness of the issue.

Mr. Sprenkle concluded his remarks in favor of the bill. Representatives May, Pruitt, D. Sommers, Cooper, Rust, Valle, Nelson, Moyer, Walker, Holland and Ferguson spoke in favor of the bill, and Mr. Fuhrman opposed it.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1671, and the bill passed the House by the following vote: Yeas, 81; nays, 13; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, and Mr. Speaker - 81.

Voting nay: Representatives Ballard, Baugher, Bristow, Chandler, Fuhrman, Jesernig, McLean, Padden, Rayburn, Sayan, Schmidt, Wolfe, Zellinsky - 13.

Excused: Representatives Basich, Hankins, Hargrove, Vekich - 4.

Engrossed Substitute House Bill No. 1671, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Heavey, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 1:30 p.m. The Clerk called the roll and all members were present except Representatives Basich,

Bowman, Hankins, Hargrove, Todd and Vekich. On motion of Mr. Dorn, Representatives Basich, Hargrove and Vekich were excused. On motion of Ms. Miller, Representatives Bowman and Hankins were excused.

HOUSE BILL NO. 1890, by Representatives R. Fisher and Anderson

Changing provisions concerning redistricting.

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

Representatives R. Fisher, Heavey, K. Wilson and H. Sommers spoke in favor of passage of the bill, and Representatives Patrick, McLean and Brough opposed it. Ms. R. Fisher again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1890, and the bill passed the House by the following vote: Yeas, 66; nays, 26; absent, 1; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Sommers D, Sommers H, Spanel, Sprenkle, Valle, Van Luven, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 66.

Voting nay: Representatives Ballard, Beck, Betrozoff, Brooks, Brough, Brumsickle, Doty, Fuhrman, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schoon, Silver, Smith, Tate, Walker, Wolfe, Wood, Youngsman - 26.

Absent: Representative Todd - 1.

Excused: Representatives Basich, Bowman, Hankins, Hargrove, Vekich - 5.

House Bill No. 1890, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider Substitute House Bill No. 1160 on the third reading calendar. The motion was carried.

SUBSTITUTE HOUSE BILL NO. 1160, by Committee on Human Services (originally sponsored by Representatives Leonard, Miller, Cole, Holland, Belcher, Winsley, Prentice, Wang, Valle, Pruitt, Sprenkle, Basich, Rasmussen, Nelson, Rust, Jones, Wineberry, Dorn, Bristow, Cantwell, Ebersole, Brooks, Scott, Hine, Moyer, Brekke, Jacobsen, R. King, Kremen, Todd, G. Fisher, Doty, P. King, O'Brien, Locke, Phillips, Crane and Fraser)

Dealing with community-based family support centers.

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

Representatives Leonard, Ebersole and Bristow spoke in favor of passage of the bill, and Representatives Padden, Fuhrman, Moyer and Patrick opposed it. Mr. Padden again spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1160, and the bill passed the House by the following vote: Yeas, 68; nays, 24; absent, 1; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Haugen, Hine, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Sommers H, Spanel, Sprenkle, Valle, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 68.

Voting nay: Representatives Ballard, Baugher, Beck, Betrozoff, Chandler, Dorn, Doty, Ferguson, Fuhrman, Heavey, Holland, Moyer, Nealey, Padden, Patrick, Rector, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wolfe, Youngsman - 24.

Absent: Representative Todd - 1.

Excused: Representatives Basich, Bowman, Hankins, Hargrove, Vekich - 5.

Substitute House Bill No. 1160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Todd appeared at the bar of the House.

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

SECOND READING

MOTION

Mr. Ebersole moved that the House now consider the following bills in the following order: House Bill No. 1663, House Bill No. 2137, House Bill No. 2168 and House Concurrent Resolution No. 4408. The motion was carried.

HOUSE BILL NO. 1663, by Representatives Nutley, Winsley, Leonard, Ballard, Anderson, Jacobsen, Locke, O'Brien, Prentice, Sayan, Wineberry, Ebersole, Brekke, Rust, Nelson and Rector

Enacting the farmworker housing act.

The bill was read the second time. Committee on Housing recommendation: Majority, do pass substitute. Committee on Revenue recommendation: Majority, do pass substitute by Committee on Housing as amended by Committee on Revenue. (For committee amendments, see Journal, 54th Day, March 3, 1989.)

On motion of Ms. Nutley, Substitute House Bill No. 1663 was substituted for House Bill No. 1663, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1663 was read the second time.

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

On motion of Mr. Wang, the committee amendment to the title was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1663, and the bill passed the House by the following vote: Yeas, 90; nays, 3; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Doty, Fuhrman, Nealey - 3.

Excused: Representatives Basich, Bowman, Hankins, Hargrove, Vekich - 5.

Engrossed Substitute House Bill No. 1663, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2137, by Representatives Cantwell, Moyer, Rasmussen and Walk

Establishing target sector programs for state economic development.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Trade & Economic Development as amended by Committee on Appropriations. (For committee amendments, see Journal, 54th Day, March 3, 1989.)

On motion of Ms. Cantwell, Substitute House Bill No. 2137 was substituted for House Bill No. 2137, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2137 was read the second time.

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

On motion of Ms. Cantwell, the committee amendment to the title was adopted.

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

Representatives Cantwell, Doty, Schoon and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2137, and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Basich, Bowman, Hankins, Hargrove, Vekich - 5.

Engrossed Substitute House Bill No. 2137, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Basich, Hargrove and Vekich appeared at the bar of the House.

HOUSE BILL NO. 2168, by Representatives Nelson, Hankins, Jesernig, Raiter, Miller, May, Rust, Inslee, Valle and Spanel

Authorizing services charges on facilities handling wastes composed of both radioactive and hazardous components.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 52nd Day, March 1, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Energy & Utilities.

Mr. Nelson moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

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

Representatives Nelson, Jesernig and May spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2168, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bowman, Hankins - 2.

Engrossed House Bill No. 2168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE CONCURRENT RESOLUTION NO. 4408, by Representatives Cantwell, Moyer, Wineberry, P. King, Nelson, Rasmussen and Walk

Recommending adoption of the Washington State Economic Development Board reports by the legislature.

The resolution was read the second time.

Mr. Schoon moved adoption of the following amendment:

On page 1, line 23, after "innovation," strike "(5) reforming the tax structure for competitiveness."

Re-number following sections consecutively.

Mr. Schoon spoke in favor of adoption of the amendment, and Ms. Cantwell opposed it. The amendment was not adopted.

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

Representatives Cantwell, Doty and Silver spoke in favor of passage of the resolution.

House Concurrent Resolution No. 4408 was adopted.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1074 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1074, by Representatives Haugen, Walker, Winsley, Leonard, Cole, Hankins, S. Wilson, Ferguson, Nutley, Scott, Belcher, Anderson, Basich, Dellwo, Spanel, Braddock, Brough, Horn, Todd, Nelson, Brekke, Rector, Appelwick, Hine, Heavey, Baugher, Kremen, Cooper, Zellinsky, K. Wilson, Wood, Rayburn, Jesernig, Jacobsen, R. Fisher, R. King, Rust, Pruitt, Wang, Grant, Jones, Moyer, Cantwell, Locke, Inslee, H. Myers, G. Fisher, Morris, Patrick, Miller, Wolfe, O'Brien, Rasmussen, Walk, May, Doty, Phillips, Betzoff and Ballard

Requiring health insurance to cover mammograms.

The bill was read the second time. On motion of Mr. Dellwo, Substitute House Bill No. 1074 was substituted for House Bill No. 1074, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1074 was read the second time.

Ms. Haugen moved adoption of the following amendment by Representatives Haugen, Brooks and Hine:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 48.20 RCW to read as follows:

Each disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician.

This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies.

NEW SECTION, Sec. 2. A new section is added to chapter 48.21 RCW to read as follows:

Each group disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician.

This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies.

NEW SECTION, Sec. 3. A new section is added to chapter 48.44 RCW to read as follows:

Each health care service contract issued or renewed after January 1, 1990, that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician.

This section shall not be construed to prevent the application of standard contract provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of a contractor to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies.

NEW SECTION, Sec. 4. A new section is added to chapter 48.46 RCW to read as follows:

Each health maintenance agreement issued or renewed after January 1, 1990, that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician.

All services must be provided by the health maintenance organization or rendered upon referral by the health maintenance organization. This section shall not be construed to prevent the application of standard agreement provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of a health maintenance organization to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies.

NEW SECTION, Sec. 5. A new section is added to chapter 41.05 RCW to read as follows:

Each health plan offered to public employees and their covered dependents under this chapter that is not subject to the provisions of Title 48 RCW and is established or renewed after January 1, 1990, and that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician.

This section shall not be construed to prevent the application of standard health plan provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of the state health care authority to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies."

Representatives Haugen and Wolfe spoke in favor of adoption of the amendment, and it was adopted.

On motion of Ms. Haugen, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "mammograms;" strike the remainder of the title and insert "adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and adding a new section to chapter 41.05 RCW."

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

Representatives Heavey, Brooks, Hine and Sprenkle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1074, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler,

Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bowman, Hankins - 2.

Engrossed Substitute House Bill No. 1074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1324, by Representatives Brooks, Valle, Pruitt, Braddock, Hankins, Betrozoff, Kremen, Beck, Wood, Dellwo, Bowman, Haugen, Winsley, Brekke, Walker, Horn, Nelson, Moyer, Fraser, D. Sommers, Van Luven, Cooper, R. Meyers, Jesernig, Miller, May, Rust, Sprenkle, Brumsickle, Grant, Cole, Chandler, Prince, Holland, Doty, Silver, Belcher, Scott, Rasmussen, Hine, Baugher, Dorn, Walk, Rayburn, Gallagher, Schoon, Sayan, Heavey, Vekich, Patrick, Fuhrman, Leonard, Bristow, Schmidt, Morris, Jones, Basich, R. Fisher, Wineberry, Todd, Prentice, Nealey, Ferguson, McLean, R. King, P. King, Wolfe, Nutley, K. Wilson, Cantwell, Brough, Anderson, Smith, Hargrove, Day, Crane, Rector, G. Fisher, Appelwick, H. Myers, Ebersole, Insee, Spanel and Tate; by request of Governor Gardner

Creating a department of health.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Health Care as amended by Committee on Appropriations. (For committee amendment, see Journal, 57th Day, March 6, 1989.)

On motion of Mr. Braddock, Substitute House Bill No. 1324 was substituted for House Bill No. 1324, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1324 was read the second time.

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

Mr. Brooks moved adoption of the following amendment by Representatives Brooks and Braddock:

On page 5, line 11, after "The state health officer" insert "who shall serve as the deputy secretary"

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

Mr. Brooks moved adoption of the following amendment by Representatives Brooks and Braddock:

On page 5, line 16, after "training" strike "and" and insert "or"

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

Mr. Brooks moved adoption of the following amendment by Representatives Brooks and Braddock:

On page 6, line 7, after "(1)" insert "The legislature intends that the department promote, assess, and assure the quality of health care throughout the state as provided by this section."

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

Mr. Brooks moved adoption of the following amendment by Representatives Brooks and Braddock:

On page 7, following line 18, insert:

"(6) The secretary may use the findings of this program in furtherance of the secretary's duties in regulating health professions and health care facilities, and may make the findings available to other state regulatory agencies and boards, and to the governor and the appropriate legislative committees. Any research, findings, and recommendations may also be made available to the general public, including health professions, health associations, and any person or group who has allowed the secretary access to data.

The secretary may charge a fee to persons requesting copies of any findings. The fee shall be no more than necessary to cover the cost to the department of providing the copy."

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

Mr. Brooks moved adoption of the following amendment by Representatives Brooks and Braddock:

On page 8, beginning on line 7, strike section 109

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

On motion of Mr. Brooks, the following amendment by Representatives Brooks and Braddock was adopted:

On page 8, following line 24, insert:

"NEW SECTION. Sec. 110. There is created in the department an office of health consumer assistance. The office shall establish a state-wide hotline and shall assist and serve as an advocate for consumers who are complainants or witnesses in a licensing or disciplinary proceeding."

Ms. Brekke moved adoption of the following amendment:

On page 9, line 26, strike "1990" and insert "1991"

Representatives Brekke and Brooks spoke in favor of adoption of the amendment, and it was adopted.

Mr. Brooks moved adoption of the following amendments by Representatives Brooks and Braddock:

On page 11, line 32, after "state" strike "board" and insert "department"

On page 12, line 15, after "state" strike "board" and insert "department"

Mr. Brooks spoke in favor of adoption of the amendments, and they were adopted.

Mr. Brooks moved adoption of the following amendment by Representatives Brooks and Braddock:

On page 15, line 2, strike "It is" and insert "It is authorized to recommend to the secretary means for obtaining appropriate citizen and professional involvement in all health policy formulation and other matters related to the powers and duties of the department. It is further"

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

Mr. Brooks moved adoption of the following amendment by Representatives Brooks and Braddock:

On page 15, line 15, after "section" strike "109" and insert "107"

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

Mr. Brooks moved adoption of the following amendment by Representatives Brooks and Braddock:

On page 15, line 31, beginning with "may" strike the remainder of the sentence and insert "shall create ad hoc committees or other such committees of limited duration as necessary. Membership should include legislators, providers, consumers, bioethicists, medical economics experts, legal experts, purchasers, and insurers, as necessary."

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

Mr. Brooks moved adoption of the following amendments by Representatives Brooks and Braddock:

On page 42, line 27, after "301," insert "(1)"

On page 43, following line 3, insert:

"(2) The secretary and each of the professional licensing and disciplinary boards under the administration of the department for which the secretary is required to furnish administration and staff shall jointly promulgate a rule in accordance with chapter 34.05 RCW to provide a process for the department to consult the board on administrative matters and to provide authority to the board to ensure that the administration and staff provided by the secretary functions effectively to enable the board to fulfill its statutory responsibilities.

The rule shall include, but not be limited to, terms addressing:

(1) Administrative activities supporting the board's policies, goals, and objectives;

(2) Development and review of the agency budget as it relates to the board; and

(3) Board-related personnel issues.

The rule shall be received and revised if appropriate at the beginning of each fiscal year and at other times upon written request by the secretary."

Mr. Brooks spoke in favor of adoption of the amendments, and they were adopted.

Mr. Brooks moved adoption of the following amendment by Representatives Brooks and Braddock:

On page 53, beginning on line 27, strike all of "PART IV"

Renumber the remaining parts consecutively and correct internal references accordingly.

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

Mr. Brooks moved adoption of the following amendment by Representatives Brooks and Braddock:

On page 53, line 24, after "licensing," insert "The department of licensing shall review the statutes authorizing the regulation of funeral directors and embalmers, and recommend any changes necessary by January 1, 1990."

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

Mr. Brooks moved adoption of the following amendment by Representatives Brooks and Braddock:

On page 55, line 12 after "services," insert "including the health planning program of the department of social and health services."

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

Mr. Brooks moved adoption of the following amendment by Representatives Brooks and Braddock:

On page 60, following line 1, insert:

"(4) Section 8, chapter 161, Laws of 1979 ex. sess., section 6, chapter 139, Laws of 1980, section 6, chapter 235, Laws of 1983 and RCW 70.38.085;

(5) Section 3, chapter 161, Laws of 1979 ex. sess., section 3, chapter 235, Laws of 1983 and RCW 60.38.035;

(6) Section 4, chapter 161, Laws of 1979 ex. sess., section 3, chapter 139, Laws of 1980, section 4, chapter 235, Laws of 1983 and RCW 70.38.045"

Renumber the remaining subsections consecutively and correct internal references according.

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

With consent of the House, the following amendment by Representatives Brooks and Braddock to the title was adopted:

On page 2, line 1 of the title, after "70.38.065," insert "70.38.085, 70.38.035, 70.38.045."

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

Representatives Brooks, Braddock and D. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1324, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bowman, Hankins - 2.

Engrossed Substitute House Bill No. 1324, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1496, by Representatives Cantwell, Brooks, D. Sommers, Braddock, Prentice, Sprenkle, Anderson, May, Beck and P. King

Regulating residential care facilities.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Health Care as amended by Committee on Appropriations. (For committee amendments, see Journal, 54th Day, March 3, 1989.)

On motion of Mr. Braddock, Substitute House Bill No. 1496 was substituted for House Bill No. 1496, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1496 was read the second time.

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

On motion of Mr. Grant, the committee amendment to the title was adopted.

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

Representatives Cantwell and D. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1496, and the bill passed the House by the following vote: Yeas, 72; nays, 24; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, McLean, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 72.

Voting nay: Representatives Betzoff, Brough, Chandler, Day, Doty, Fuhrman, Holland, Horn, May, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rector, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Wolfe, Youngsman - 24.

Excused: Representatives Bowman, Hankins - 2.

Engrossed Substitute House Bill No. 1496, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1560, by Representative Braddock; by request of Department of Social and Health Services

Making changes to medical care provisions.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1560 was substituted for House Bill No. 1560, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1560 was read the second time.

Ms. Silver moved adoption of the following amendment:

On page 6, line 25, strike Sec. 5.

Renumber the following sections consecutively and correct internal references accordingly.

Representatives Silver and Zellinsky spoke in favor of adoption of the amendment, and Mr. Braddock opposed it.

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

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Silver to Substitute House Bill No. 1560, and the amendment was not adopted by the following vote: Yeas, 44; nays, 52; excused, 2.

Voting yea: Representatives Ballard, Baugher, Beck, Betrozoff, Brooks, Brough, Brumsickle, Chandler, Crane, Day, Dorn, Doty, Ferguson, Fuhrman, Haugen, Holland, Horn, Insee, Jesernig, May, McLean, Meyers R, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walk, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 44.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Dellwo, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Heavey, Hine, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Wang, Wilson K, Wineberry, and Mr. Speaker - 52.

Excused: Representatives Bowman, Hankins - 2.

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

Mr. Braddock spoke in favor of passage of the bill, and Ms. Silver opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1560, and the bill passed the House by the following vote: Yeas, 56; nays, 40; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Bristow, Brooks, Cantwell, Cole, Cooper, Crane, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Heavey, Hine, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, and Mr. Speaker - 56.

Voting nay: Representatives Ballard, Baugher, Beck, Betrozoff, Brough, Brumsickle, Chandler, Day, Dellwo, Dorn, Doty, Ferguson, Fuhrman, Haugen, Holland, Horn, May, McLean, Meyers R, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Rector, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 40.

Excused: Representatives Bowman, Hankins - 2.

Substitute House Bill No. 1560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1864, by Representatives Day, Brooks, Braddock, D. Sommers, R. Meyers, Sprengle, Cantwell, Morris, Scott, Wolfe, Vekich, Patrick, Chandler, Crane, Winsley, Dellwo, Brough, Wineberry, P. King, S. Wilson, Bowman, Kremen, Dorn, Schoon, Van Luven, Wood, R. King, Cooper, Doty, Todd, McLean and O'Brien

Concerning quality of care in nursing homes.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Health Care as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

On motion of Mr. Braddock, Substitute House Bill No. 1864 was substituted for House Bill No. 1864, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1864 was read the second time.

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

On motion of Mr. Grant, the committee amendment to the title was adopted.

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

Representatives Day and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1864, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bowman, Hankins - 2.

Engrossed Substitute House Bill No. 1864, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1968, by Representatives Braddock, Brooks, Day, Cantwell, Leonard, Prentice, Bristow, Brekke, Vekich, Kremen, Valle, Raiter, D. Sommers, Morris, Sprenkle, Ebersole, Wineberry, H. Sommers, Cole, Hine, Basich, Anderson, Van Luven, Dellwo, Todd, Winsley, Sayan, Cooper, R. King, Crane, Rector, Brough, Zellinsky, Phillips, Pruitt, O'Brien, Nelson, Spanel, G. Fisher, Rasmussen, H. Myers and Fraser

Establishing a plan for long-term care services.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1968 was substituted for House Bill No. 1968, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1968 was read the second time.

Mr. Braddock moved adoption of the following amendment:

On page 21, beginning on line 16, strike all of section 25

Remember the remaining subsections consecutively and correct internal references accordingly

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

Mr. Braddock moved adoption of the following amendment:

On page 22, beginning on line 10, strike all of section 29

Remember the remaining subsections consecutively and correct internal references accordingly.

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

Mr. Chandler moved adoption of the following amendment:

On page 13, line 29, after "the" strike "minimum" and insert "maximum"

Representatives Chandler and Crane spoke in favor of adoption of the amendment, and Mr. Braddock opposed it.

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

Representatives Brekke and Day spoke against adoption of the amendment, and Representatives Heavey and Smith spoke in favor of it.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Chandler to Substitute House Bill No. 1968, and the amendment was adopted by the following vote: Yeas, 68; nays, 28; excused, 2.

Voting yea: Representatives Ballard, Basich, Baugher, Beck, Betrozoff, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ferguson, Fisher G, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, May, McLean, Meyers R, Miller, Morris,

Moyer, Myers H, Nealey, Padden, Patrick, Peery, Prince, Pruitt, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Tate, Todd, Van Luven, Walk, Walker, Wang, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 68.

Voting nay: Representatives Anderson, Appelwick, Belcher, Braddock, Brekke, Day, Ebersole, Fisher R, Fraser, Hine, Leonard, Locke, Nelson, Nutley, O'Brien, Phillips, Prentice, Raiter, Rasmussen, Rust, Sommers H, Spanel, Sprengle, Valle, Vekich, Wilson K, Wineberry, and Mr. Speaker - 28.

Excused: Representatives Bowman, Hankins - 2.

On motion of Mr. Braddock, the following amendment to the title was adopted:

On page 1, line 5 of the title, after "RCW;" strike "adding a new section to chapter 84.52 RCW."

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

Representatives Braddock and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1968, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bowman, Hankins - 2.

Engrossed Substitute House Bill No. 1968, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2159, by Representatives Braddock, Anderson, P. King, Morris, Brekke and Phillips

Creating the Washington state health commission.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 2159 was substituted for House Bill No. 2159, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2159 was read the second time.

Mr. Braddock moved adoption of the following amendment by Representatives Braddock and Kremen:

On page 17, following line 31, insert:

"(5) This act shall not affect any negotiated rate contract or other hospital-purchaser agreement in effect on July 1, 1989; however, any renegotiation or modification of such a contract or agreement after this date shall cause such contract or agreement to be subject to the provisions of this act."

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

Mr. Brooks moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) There is created the Washington health care access, quality, and cost containment commission composed of eleven members; two members shall be the chair and ranking minority member from the senate health care and corrections committee and two members shall be the chair and ranking minority member from the house of representatives health care committee.

(2) The legislative members of the commission shall select seven public members to serve on the commission that are representative of health care professionals, health care providers, those directly involved in the purchase, provision, or delivery of health care services, business,

labor, and low-income consumers. The chairs of the senate health care and corrections committee and the house of representatives health care committee shall jointly chair the commission. The ranking minority members of these committees shall jointly vice-chair the commission. The legislative members shall serve as the executive committee.

(3) The commission may hire staff or contract for professional assistance with funds made available for their activities. To the extent possible, the department of social and health services, or department of health if one is created, the Washington hospital commission or its successor agency, the house of representatives, and the senate shall provide staff support. The commission may apply for and receive and accept grants, gifts, and other payments, including property and services, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs or access to health care.

(4) The public members of the commission shall receive no compensation for their service as members, but shall be reimbursed for their expenses while attending any meetings of the commission in the same manner as legislators engaged in interim committee business as specified in RCW 44.04.120.

(5) The commission may establish ad hoc technical advisory committees to assist it with any particular matters deemed necessary and any person serving in such capacity may be reimbursed for their expenses while attending any meetings of such committee or the commission in the same manner as public members of the commission.

(6) (a) The commission shall study problems associated with:

- (i) Improving access to necessary health care services;
- (ii) Maintaining a high quality of health care service in the state; and
- (iii) Controlling excessive increase in health care costs.

(b) Specifically, the commission shall address:

- (i) The need, if any, for the regulation of hospital rates;
- (ii) The need, if any, for the certificate of need program;
- (iii) Ways to establish equitable hospital charity care contributions;
- (iv) Ways to prohibit unfair discrimination in purchaser discounts from hospital rates;
- (v) Ways to control the increases in medical malpractice insurance premiums and to reduce the corresponding amount of 'defensive' medicine practiced; and
- (vi) Methods used in other states to improve access, quality, and cost containment.

(7) The commission shall submit a report to the appropriate committees of the legislature by December 1, 1989. The report shall include such findings of the commission as are related to the responsibilities identified in this section.

NEW SECTION. Sec. 2. The sum of fifteen thousand dollars, or as much thereof as may be necessary, is appropriated for the period ending December 30, 1989, from the general fund to the Washington health care access, quality, and cost containment commission for the purposes identified in this act.

Representatives Brooks and Moyer spoke in favor of adoption of the amendment, and Mr. Braddock opposed it.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the adoption of the amendment by Representative Brooks to Substitute House Bill No. 2159.

The Speaker (Mr. O'Brien presiding), being in doubt, called upon the House to divide. The result of the division was: Yeas - 37; Nays -59. The amendment was not adopted.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

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

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1026 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1026, by Representatives Spanel, R. King, S. Wilson, Haugen, Nelson, Brække and K. Wilson; by request of Department of Fisheries

Regulating sea urchin fishing.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 19th Day, January 27, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Fisheries & Wildlife.

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1026, and the bill passed the House by the following vote: Yeas, 88; nays, 1; absent, 7; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dorn, Doty, Ebersole, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representative Brough - 1.

Absent: Representatives Beck, Brooks, Dellwo, Ferguson, Gallagher, O'Brien, Rector - 7.

Excused: Representatives Bowman, Hankins - 2.

Engrossed House Bill No. 1026, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1031, by Representatives Fuhrman, Sayan, Silver, Holland, Heavey, Winsley and Betrozoff; by request of Legislative Budget Committee

Making changes to state budget requests.

The bill was read the second time. On motion of Ms. H. Sommers, Substitute House Bill No. 1031 was substituted for House Bill No. 1031, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1031 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1031, and the bill passed the House by the following vote: Yeas, 93; absent, 3; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hargrove, Haugen, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Gallagher, Heavey, O'Brien - 3.

Excused: Representatives Bowman, Hankins - 2.

Substitute House Bill No. 1031, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1136, by Representatives R. Meyers, Winsley, Wang, Ebersole, Pruitt, Walker, R. Fisher, Dorn, Tate and Walk

Creating superior court judge positions in Pierce county.

The bill was read the second time. On motion of Mr. Crane, Substitute House Bill No. 1136 was substituted for House Bill No. 1136, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1136 was read the second time.

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

Representatives Padden and R. Meyers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1136, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Brunsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bowman, Hankins - 2.

Substitute House Bill No. 1136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 1196 and that the bill hold its place on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1217, by Representatives Cooper, Ferguson, Haugen and Hine
Revising provisions for water and sewer districts.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1217 was substituted for House Bill No. 1217, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1217 was read the second time.

Ms. Spanel moved adoption of the following amendment by Representatives Spanel, Kremen, Youngsman and Braddock:

On page 13, after line 14, insert:

*NEW SECTION, Sec. 15. A new section is added to chapter 90.52 RCW to read as follows:

For political subdivisions of the state having one hundred thousand or fewer residents, the director of the department of ecology shall recommend that requirements for secondary sewage treatment of wastewater be waived by the United States environmental protection agency if (1) the wastewater is from a public facility that discharges into marine waters, (2) the quality of the receiving water will not be adversely affected, and (3) the applicant has established a system for monitoring the impact of the discharge on the quality of the receiving waters."

POINT OF ORDER

Ms. Haugen: I would ask the Speaker to rule on the scope and object of this amendment.

MOTION

Mr. Ebersole moved that the House defer further consideration of Substitute House Bill No. 1217 and that the bill hold its place on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1239, by Representatives P. King, Schmidt and Scott

Exempting qualified pension plans from the state usury statute.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1239, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Heavey - 1.

Excused: Representatives Bowman, Hankins - 2.

House Bill No. 1239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1645 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1645, by Representatives Walk, Prince, Zellinsky, Ballard, R. Fisher, R. Meyers and Chandler

Regulating the relationship between motor vehicle dealers and manufacturers.

The bill was read the second time.

Mr. Walk moved adoption of the following amendment by Representatives Walk and Schmidt:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes it is in the best interest for manufacturers and dealers of motor vehicles to conduct business with each other in a fair, efficient, and competitive manner. The legislature declares the public interest is best served by dealers being assured of the ability to manage their business enterprises under a contractual obligation with manufacturers where dealers do not experience unreasonable interference, receive adequate allocations of merchandise in a timely manner at competitive prices, and transfer ownership of their business without undue constraints. It is the intent of the legislature to impose a regulatory scheme and to regulate competition in the motor vehicle industry to the extent necessary to balance fairness and efficiency. These actions will assure the public that motor vehicle dealers will devote their best competitive efforts and resources to the sale and services of the manufacturer's products that the dealer has been granted the right to sell and service.

NEW SECTION. Sec. 2. In addition to the definitions contained in RCW 46.70.011, which are incorporated by reference into this chapter, the definitions set forth in this section apply throughout this chapter.

(1) 'New motor vehicle dealer' means a motor vehicle dealer engaged in the business of buying, selling, exchanging, or otherwise dealing in new motor vehicles or new and used motor vehicles at an established place of business, under a franchise, sales and service agreement, or contract with the manufacturer of the new motor vehicles. However, the term 'new motor vehicle dealer' does not include a miscellaneous vehicle dealer as defined in RCW 46.70.011(3)(c) or a motorcycle dealer as defined in chapter 46.94 RCW.

(2) 'Franchise' means one or more agreements, whether oral or written, between a manufacturer and a new motor vehicle dealer, under which the new motor vehicle dealer is authorized to sell, service, and repair new motor vehicles, parts, and accessories or lease or rent

the dealership premises, under a common name, trade name, trademark, or service mark of the manufacturer.

'Franchise' includes an oral or written contract and includes a dealer agreement, either expressed or implied, between a manufacturer and a new motor vehicle dealer that purports to fix the legal rights and liabilities between the parties and under which (a) the dealer is granted the right to purchase and resell motor vehicles manufactured, distributed, or imported by the manufacturer; (b) the dealer's business is associated with the trademark, trade name, commercial symbol, or advertisement designating the franchisor or the products distributed by the manufacturer; and (c) the dealer's business relies on the manufacturer for a continued supply of motor vehicles, parts, and accessories.

(3) 'Good faith' means honesty in fact and fair dealing in the trade as defined and interpreted in RCW 62A.2-103.

(4) 'Designated successor' means:

(a) The spouse, biological or adopted child, grandchild, parent, brother, or sister of the owner of a new motor vehicle dealership who, in the case of the owner's death, is entitled to inherit the ownership interest in the new motor vehicle dealership under the terms of the owner's will or applicable intestate laws;

(b) A person who has been nominated by the owner of a new motor vehicle dealership as the successor in a written, notarized, and witnessed instrument submitted to the manufacturer; or

(c) In the case of an incapacitated owner of a new motor vehicle dealership, the person who has been appointed by a court as the legal representative of the incapacitated owner's property.

(5) 'Owner' means a person holding an ownership interest in the business entity operating as a new motor vehicle dealer and who is the designated dealer in the new motor vehicle franchise agreement.

(6) 'Person' means every natural person, partnership, corporation, association, trust, estate, or any other legal entity.

(7) 'Relevant market area' means the geographic area within a radius of ten miles around an existing new motor vehicle dealer or the geographic area of responsibility defined in the franchise, whichever is greater. However, where a manufacturer is seeking to establish an additional new motor vehicle dealer or to relocate an existing new motor vehicle dealer, the 'relevant market area' is as follows:

(a) If the population in the county in which the proposed new dealership is to be located is four hundred thousand or more, the relevant market area is the geographic area within a fifteen-mile radius of the proposed site or the geographic area of responsibility defined in the franchise, whichever is greater;

(b) If the population in the county in which the proposed new dealership is to be located is less than four hundred thousand, the relevant market area is the geographic area within a radius of thirty miles around the proposed site or the geographic area of responsibility defined in the franchise, whichever is greater.

In determining population for this definition, the most recent census by the United States Bureau of Census or the most recent population update, either from the National Planning Data Corporation or other similar recognized source, shall be accumulated for all census tracts either wholly or partially within the relevant market area.

NEW SECTION. Sec. 3. Notwithstanding the terms of a franchise and notwithstanding the terms of a waiver, no manufacturer may terminate, cancel, or fail to renew a franchise with a new motor vehicle dealer, unless the manufacturer has complied with the notice requirements of section 7 of this act and an administrative law judge has determined, if requested in writing by the new motor vehicle dealer within the applicable time period specified in section 7(1), (2), or (3) of this act, after hearing, that there is good cause for the termination, cancellation, or nonrenewal of the franchise and that the manufacturer has acted in good faith, as defined in this chapter, regarding the termination, cancellation, or nonrenewal.

NEW SECTION. Sec. 4. A new motor vehicle dealer who has received written notification from the manufacturer of the manufacturer's intent to terminate, cancel, or not renew the franchise may file a petition with the department for a determination as to the existence of good cause and good faith for the termination, cancellation, or nonrenewal of a franchise. Upon the filing of the petition and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely petition has been filed and shall request the appointment of an administrative law judge under chapter 34.12 RCW to conduct a hearing. The franchise in question shall continue in full force and effect pending the administrative law judge's decision. If the decision of the administrative law judge terminating, canceling, or failing to renew a dealer's franchise is appealed by a dealer, the franchise in question shall continue in full force and effect until the appeal to superior court is finally determined.

NEW SECTION. Sec. 5. (1) The administrative law judge shall conduct the hearing and render a final decision as expeditiously as possible, but in any event not later than one hundred eighty days after a petition is filed. If the termination, cancellation, or nonrenewal is

under section 7(2) of this act, the administrative law judge shall give the proceeding priority consideration and shall render a final decision not later than sixty days after a petition is filed.

(2) The administrative law judge shall conduct the hearing as an adjudicative proceeding in accordance with the procedures provided for in the Administrative Procedure Act, chapter 34.05 RCW. The administrative law judge shall render the final decision and shall enter a final order. Except as otherwise provided in RCW 34.05.446 and 34.05.449, all hearing costs shall be borne on an equal basis by the parties to the hearing.

(3) A party to a hearing under this chapter may be represented by counsel. A party to a hearing aggrieved by the final order of the administrative law judge concerning the termination, cancellation, or nonrenewal of a franchise may seek judicial review of the order in the superior court in the manner provided for in RCW 34.05.510 through 34.05.598. A petitioner for judicial review need not exhaust all administrative remedies as a prerequisite for seeking judicial review under this section.

NEW SECTION. Sec. 6. (1) Notwithstanding the terms of a franchise and notwithstanding the terms of a waiver, good cause exists for termination, cancellation, or nonrenewal when:

(a) There is a failure by the new motor vehicle dealer to comply with a provision of the franchise that is both reasonable and of material significance to the franchise relationship, if the new motor vehicle dealer was notified of the failure within one hundred eighty days after the manufacturer first acquired knowledge of the failure and the new motor vehicle dealer did not correct the failure.

(b) If the failure of the new motor vehicle dealer, defined in (a) of this subsection, relates to the performance of the new motor vehicle dealer in sales, service, or level of customer satisfaction, good cause is the failure of the new motor vehicle dealer to comply with reasonable performance standards determined by the manufacturer in accordance with uniformly applied criteria, and:

(i) The new motor vehicle dealer was advised, in writing, by the manufacturer of the failure;

(ii) The notice under (a) of this subsection stated that notice was provided of a failure of performance under this section;

(iii) The manufacturer provided the new motor vehicle dealer with specific, reasonable goals or reasonable performance standards with which the dealer must comply, together with a suggested timetable or program for attaining those goals or standards, and the new motor vehicle dealer was given a reasonable opportunity, for a period not less than one hundred eighty days, to comply with the goals or standards; and

(iv) The new motor vehicle dealer did not substantially comply with the manufacturer's performance standards during that period and the failure to demonstrate substantial compliance was not due to market or economic factors within the new motor vehicle dealer's relevant market area that were beyond the control of the dealer.

(2) The manufacturer has the burden of proof of establishing good cause and good faith for the termination, cancellation, or nonrenewal of the franchise under this section.

NEW SECTION. Sec. 7. Before the termination, cancellation, or nonrenewal of a franchise, the manufacturer shall give written notification to both the department and the new motor vehicle dealer. The notice shall be by certified mail or personally delivered to the new motor vehicle dealer and shall state the intention to terminate, cancel, or not renew the franchise, the reasons for the termination, cancellation, or nonrenewal, and the effective date of the termination, cancellation, or nonrenewal. The notice shall be given:

(1) Not less than ninety days before the effective date of the termination, cancellation, or nonrenewal;

(2) Not less than fifteen days before the effective date of the termination, cancellation, or nonrenewal with respect to any of the following that constitute good cause for termination, cancellation, or nonrenewal:

(a) Insolvency of the new motor vehicle dealer or the filing of any petition by or against the new motor vehicle dealer under bankruptcy or receivership law;

(b) Failure of the new motor vehicle dealer to conduct sales and service operations during customary business hours for seven consecutive business days, except for acts of God or circumstances beyond the direct control of the new motor vehicle dealer;

(c) Conviction of the new motor vehicle dealer, or principal operator of the dealership, of a felony punishable by imprisonment; or

(d) Revocation of a license that the new motor vehicle dealer is required to have to operate the new motor vehicle dealership;

(3) Not less than one hundred eighty days before the effective date of termination, cancellation, or nonrenewal, where the manufacturer intends to discontinue sale and distribution of the new motor vehicle line.

NEW SECTION. Sec. 8. (1) Upon the termination, cancellation, or nonrenewal of a franchise by the manufacturer under this chapter, the manufacturer shall pay the new motor vehicle dealer, at a minimum:

(a) Dealer cost plus any charges by the manufacturer for distribution, delivery, and taxes, less all allowances paid or credited to the dealer by the manufacturer, of unused, undamaged, and unsold new motor vehicles in the new motor vehicle dealer's inventory that were acquired from the manufacturer or another new motor vehicle dealer of the same line make within the previous twelve months;

(b) Dealer cost for all unused, undamaged, and unsold supplies, parts, and accessories in original packaging, except that in the case of sheet metal, a comparable substitute for original packaging may be used, if the supply, part, or accessory was acquired from the manufacturer or from another new motor vehicle dealer ceasing operations as a part of the new motor vehicle dealer's initial inventory;

(c) The fair market value of each undamaged sign owned by the new motor vehicle dealer that bears a common name, trade name, or trademark of the manufacturer, if acquisition of the sign was recommended or required by the manufacturer;

(d) The fair market value of all equipment, furnishings, and special tools acquired from the manufacturer or sources approved by the manufacturer and that were recommended or required by the manufacturer and are in good and usable condition, less reasonable wear and tear; and

(e) The cost of transporting, handling, packing, and loading of new motor vehicles, supplies, parts, accessories, signs, special tools, equipment, and furnishings.

To the extent the franchise agreement provides for payment or reimbursement to the new motor vehicle dealer in excess of that specified in this section, the provisions of the franchise agreement shall control.

(2) The manufacturer shall pay the new motor vehicle dealer the sums specified in subsection (1) of this section within thirty days after the tender of the property, if the new motor vehicle dealer has clear title to the property and is in a position to convey that title to the manufacturer.

NEW SECTION. Sec. 9. (1) In the event of a termination, cancellation, or nonrenewal under this chapter, except for termination, cancellation, or nonrenewal under section 7(2) of this act, the manufacturer shall, at the request and option of the new motor vehicle dealer, also pay to the new motor vehicle dealer:

(a) A sum equivalent to rent for the unexpired term of the lease or one year, whichever is less, or such longer term as provided in the franchise, if the new motor vehicle dealer is leasing the new motor vehicle dealership facilities from a lessor other than the manufacturer; or

(b) A sum equivalent to the reasonable rental value of the new motor vehicle dealership facilities for one year or until the facilities are leased or sold, whichever is less, if the new motor vehicle dealer owns the new motor vehicle dealership facilities.

(2) The rental payment required under subsection (1) of this section is only required to the extent that the facilities were used for activities under the franchise and only to the extent the facilities were not leased for unrelated purposes. If payment under subsection (1) of this section is made, the manufacturer is entitled to possession and use of the new motor vehicle dealership facilities for the period rent is paid.

NEW SECTION. Sec. 10. Sections 3 through 9 of this act do not relieve a new motor vehicle dealer from the obligation to mitigate the dealer's damages upon termination, cancellation, or nonrenewal of the franchise.

NEW SECTION. Sec. 11. (1) Notwithstanding the terms of a franchise, an owner may appoint a designated successor to succeed to the ownership of the new motor vehicle dealer franchise.

(2) Notwithstanding the terms of a franchise, unless the manufacturer establishes that good cause exists for refusal to honor succession, a designated successor of a deceased or incapacitated owner of a new motor vehicle dealer franchise may succeed to the ownership interest of the owner under the existing franchise, if:

(a) The designated successor furnishes written notice to the manufacturer of his or her intention to succeed to the ownership of the new motor vehicle dealership within sixty days after the owner's death or incapacity; and

(b) The designated successor agrees to be bound by all terms and conditions of the franchise.

(3) The manufacturer may request, and the designated successor shall promptly provide, such personal and financial information as is reasonably necessary to determine whether the succession should be honored.

(4) If a manufacturer believes that good cause exists for refusing to honor the succession to the ownership of a new motor vehicle dealer franchise by a designated successor, the manufacturer may serve written notice on the designated successor and on the department of its refusal to honor the succession and its intent to discontinue the existing franchise with the new motor vehicle dealer no earlier than sixty days from the date the notice is served. The notice must be served not later than sixty days after the manufacturer's receipt of:

(a) Notice of the designated successor's intent to succeed to the ownership interest of the new motor vehicle dealer's franchise; or

(b) Any personal or financial information requested by the manufacturer.

(5) The notice in subsection (4) of this section shall state the specific grounds for the refusal to honor the succession and the manufacturer's intent to discontinue the franchise with the new motor vehicle dealer no sooner than sixty days after the date the notice is served. If the notice of refusal and discontinuance is not timely and properly served, the franchise continues in full force and effect, subject to termination only as otherwise provided under this chapter.

(6) Within twenty days after receipt of the notice or within twenty days after the end of any appeal procedure provided by the manufacturer, whichever is greater, the designated successor may file a protest with the department regarding the refusal to honor the succession. Upon the filing of a protest and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely protest has been filed and shall request the appointment of an administrative law judge under chapter 34.12 RCW to conduct a hearing. The manufacturer shall not terminate or discontinue the existing franchise until the administrative law judge has held a hearing and has determined that there is good cause for refusing to honor the succession. If an appeal is taken, the manufacturer shall not terminate or discontinue the franchise until the appeal to superior court is finally determined.

(7) The manufacturer has the burden of proof to show that good cause exists for the refusal to honor the succession.

(8) The administrative law judge shall conduct the hearing and render a final decision as expeditiously as possible, but in any event not later than one hundred eighty days after a protest is filed.

(9) The administrative law judge shall conduct any hearing concerning the refusal to the succession as provided in section 5(2) of this act. A party to such a hearing aggrieved by the final order of the administrative law judge may appeal as provided and allowed in section 5(3) of this act.

(10) This section does not preclude the owner of a new motor vehicle dealer franchise from designating any person as his or her successor by a written, notarized, and witnessed instrument filed with the manufacturer. In the event of a conflict between such a written instrument that has not been revoked by written notice from the owner to the manufacturer and this section, the written instrument governs.

NEW SECTION, Sec. 12. If a manufacturer intends or proposes to enter into a franchise to establish an additional new motor vehicle dealer or to relocate an existing new motor vehicle dealer within or into a relevant market area in which the same line make of motor vehicle is then represented, the manufacturer shall provide at least ninety days advance written notice to the department and to each new motor vehicle dealer of the same line make in the relevant market area, of the manufacturer's intention to establish an additional new motor vehicle dealer or to relocate an existing new motor vehicle dealer within or into the relevant market area. The notice shall be sent by certified mail to each such party and shall include the following information:

(1) The specific location at which the additional or relocated motor vehicle dealer will be established;

(2) The date on or after which the additional or relocated motor vehicle dealer intends to commence business at the proposed location;

(3) The identity of all motor vehicle dealers who are franchised to sell the same line make vehicles as the proposed dealer and who have licensed locations within the relevant market area;

(4) The names and addresses of the owners of and principal investors in the proposed additional or relocated motor vehicle dealership; and

(5) The specific grounds or reasons for the proposed establishment of an additional motor vehicle dealer or relocation of an existing dealer.

NEW SECTION, Sec. 13. Within thirty days after receipt of the notice under section 12 of this act or within thirty days after the end of an appeal procedure provided by the manufacturer, whichever is greater, a new motor vehicle dealer so notified or entitled to notice may file a protest with the department against the proposed establishment or relocation. Upon the filing of a protest and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely protest has been filed and shall request the appointment of an administrative law judge under chapter 34.12 RCW to conduct a hearing. The manufacturer shall not establish or relocate the new motor vehicle dealer until the administrative law judge has held a hearing and has determined that there is good cause for permitting the proposed establishment or relocation. When more than one protest is filed against the establishment or relocation of the same dealer, the administrative law judge shall consolidate the hearings to expedite disposition of the matter.

NEW SECTION, Sec. 14. In determining whether good cause exists for permitting the proposed establishment or relocation of a new motor vehicle dealer of the same line make, the administrative law judge shall take into consideration the existing circumstances, including, but not limited to:

(1) The extent, nature, and permanency of the investment of both the existing motor vehicle dealers of the same line make in the relevant market area and the proposed additional or

relocating new motor vehicle dealer, including obligations reasonably incurred by the existing dealers to perform their obligations under their respective franchises:

(2) The growth or decline in population and new motor vehicle registrations during the past five years in the relevant market area;

(3) The effect on the consuming public in the relevant market area;

(4) The effect on the existing new motor vehicle dealers in the relevant market area, including any adverse financial impact;

(5) The reasonably expected or anticipated vehicle market for the relevant market area, including demographic factors such as age of population, income, education, size class preference, product popularity, retail lease transactions, or other factors affecting sales to consumers in the relevant market area;

(6) Whether it is injurious or beneficial to the public welfare for an additional new motor vehicle dealer to be established;

(7) Whether the new motor vehicle dealers of the same line make in the relevant market area are providing adequate competition and convenient customer care for the motor vehicles of the same line make in the relevant market area, including the adequacy of motor vehicle sales and service facilities, equipment, supply of vehicle parts, and qualified service personnel;

(8) Whether the establishment of an additional new motor vehicle dealer would increase competition and be in the public interest;

(9) Whether the manufacturer is motivated to establish an additional or new motor vehicle dealer by noneconomic considerations such as the manufacturer's desire to coerce, intimidate, or retaliate against an existing new motor vehicle dealer;

(10) Whether the manufacturer has denied its existing new motor vehicle dealers of the same line make the opportunity for reasonable growth, market expansion, establishment of a subagency, or relocation;

(11) Whether the protesting dealer or dealers are in substantial compliance with their dealer agreements or franchises; and

(12) Whether the manufacturer has complied with the requirements of this chapter.

NEW SECTION. Sec. 15. (1) The manufacturer and the proposed additional or relocating new motor vehicle dealer have the burden of proof to establish that good cause exists for permitting the proposed establishment or relocation.

(2) The administrative law judge shall conduct any hearing as provided in section 5(2) of this act. The administrative law judge shall render the final decision as expeditiously as possible, but in any event not later than one hundred twenty days after a protest is filed. If more than one protest is filed, the one hundred twenty days commences to run from the date the last protest is filed. A party to such a hearing aggrieved by the final order of the administrative law judge may appeal as provided and allowed in section 5(3) of this act.

NEW SECTION. Sec. 16. Sections 12 through 15 of this act do not apply:

(1) To the sale or transfer of the ownership or assets of an existing new motor vehicle dealer where the transferee proposes to engage in business representing the same line make at the same location;

(2) To the relocation of an existing new motor vehicle dealer within the dealer's relevant market area, if the relocation is not at a site within ten miles of any new motor vehicle dealer of the same line make;

(3) If the proposed new motor vehicle dealer is to be established at or within two miles of a location at which a former new motor vehicle dealer of the same line make had ceased operating within the previous twelve months;

(4) Where the proposed relocation is two miles or less from the existing location of the relocating new motor vehicle dealer; or

(5) Where the proposed relocation is to be further away from all other existing new motor vehicle dealers of the same line make in the relevant market area.

NEW SECTION. Sec. 17. A manufacturer shall not coerce, threaten, intimidate, or require a new motor vehicle dealer, as a condition to granting or renewing a franchise, to waive, limit, or disclaim a right that the dealer may have to protest the establishment or relocation of another motor vehicle dealer in the relevant market area as provided in section 13 of this act.

NEW SECTION. Sec. 18. (1) Notwithstanding the terms of a franchise, a manufacturer shall not unreasonably withhold consent to the sale, transfer, or exchange of a franchise to a qualified buyer capable of being licensed as a new motor vehicle dealer in the state of Washington. A manufacturer's failure to respond in writing to a request for consent under this subsection within sixty days after receipt of a written request on the forms, if any, generally used by the manufacturer containing the information and reasonable promises required by a manufacturer is deemed to be consent to the request. A manufacturer may request, and, if so requested, the applicant for a franchise (a) shall promptly provide such personal and financial information as is reasonably necessary to determine whether the sale, transfer, or exchange should be approved, and (b) shall agree to be bound by all reasonable terms and conditions of the franchise.

(2) If a manufacturer refuses to approve the sale, transfer, or exchange of a franchise, the manufacturer shall serve written notice on the applicant, the transferring, selling, or exchanging new motor vehicle dealer, and the department of its refusal to approve the transfer of the franchise no later than sixty days after the date the manufacturer receives the written request from the new motor vehicle dealer. If the manufacturer has requested personal or financial information from the applicant under subsection (1) of this section, the notice shall be served not later than sixty days after the receipt of all of such documents. Service of all notices under this section shall be made by personal service or by certified mail, return receipt requested.

(3) The notice in subsection (2) of this section shall state the specific grounds for the refusal to approve the sale, transfer, or exchange of the franchise.

(4) Within twenty days after receipt of the notice of refusal to approve the sale, transfer, or exchange of the franchise by the transferring new motor vehicle dealer, the new motor vehicle dealer may file with the department a protest to the refusal to approve the sale, transfer, or exchange. Upon the filing of a protest and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely protest has been filed, and the department shall arrange for a hearing with an administrative law judge as the presiding officer to determine if the manufacturer unreasonably withheld consent to the sale, transfer, or exchange of the franchise.

(5) In determining whether the manufacturer unreasonably withheld its approval to the sale, transfer, or exchange, the manufacturer has the burden of proof that it acted reasonably.

(6) The administrative law judge shall conduct a hearing and render a final decision as expeditiously as possible, but in any event not later than one hundred twenty days after a protest is filed. An interested party, including the applicant and the selling, transferring, or exchanging new motor vehicle dealer, may participate in the hearing.

(7) The administrative law judge shall conduct any hearing as provided in section 5(2) of this act. Only the manufacturer and the selling, transferring or exchanging new motor vehicle dealer may appeal the final order of the administrative law judge as provided in section 5(3) of this act.

NEW SECTION. Sec. 19. The department shall determine and establish the amount of the filing fee required in sections 4, 11, 13, and 18 of this act. The fees shall be set in accordance with RCW 43.24.086.

The department may also require the petitioning or protesting party to give security, in such sum as the department deems proper but not in any event to exceed one thousand dollars, for the payment of such costs as may be incurred in conducting the hearing as required under this chapter. The security may be given in the form of a bond or stipulation or other undertaking with one or more sureties.

At the conclusion of the hearing, the department shall assess, in equal shares, each of the parties to the hearing for the cost of conducting the hearing. Upon receipt of payment of the costs, the department shall refund and return to the petitioning party such excess funds, if any, initially posted by the party as security for the hearing costs. If the petitioning party provided security in the form of a bond or other undertaking with one or more sureties, the bond or other undertaking shall then be exonerated and the surety or sureties under it discharged.

Sec. 20. Section 16, chapter 74, Laws of 1967 ex. sess. as last amended by section 18, chapter 241, Laws of 1986 and RCW 46.70.180 are each amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of 'bushing' which is defined as follows: Taking from a prospective buyer of a vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his authorized representative's future acceptance, and the dealer fails or refuses within forty-eight hours, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer, to deliver to the buyer either the dealer's signed acceptance or all copies of the order, offer, or contract document together with any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in, or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer as part of the purchase price, for any reason except substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesman to refuse to furnish, upon request of a prospective purchaser, the name and address of the previous registered owner of any used vehicle offered for sale.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle.

(9) For a dealer, salesman, or mobile home manufacturer, having taken an instrument or cash 'on deposit' from a purchaser prior to the delivery of the bargained-for vehicle, to commingle said 'on deposit' funds with assets of the dealer, salesman, or mobile home manufacturer instead of holding said 'on deposit' funds as trustee in a separate trust account until the purchaser has taken delivery of the bargained-for vehicle. Failure, immediately upon receipt, to endorse 'on deposit' instruments to such a trust account, or to set aside 'on deposit' cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his customary total customer deposits for vehicles for future delivery.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales agreement signed by the seller and buyer.

(11) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.94 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) said cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith.

(c) Encourage, aid, abet, or teach a vehicle dealer to sell vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section:

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (11)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.—RCW (sections 1 through 19 of this act).

Sec. 21. Section 21, chapter 74, Laws of 1967 ex. sess. as last amended by section 19, chapter 241, Laws of 1986 and RCW 46.70.190 are each amended to read as follows:

Any person who is injured in his business or property by a violation of this chapter, or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of this chapter, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him together with the costs of the suit, including a reasonable attorney's fee.

~~((Any person recovering judgment or whose claim has been dismissed with prejudice against a manufacturer pursuant to RCW 46.70.180(11)(b) and this section shall, upon full payment of said judgment, or upon the dismissal of such claim, execute a waiver in favor of the judgment debtor or defendant of any claim arising prior to the date of said judgment or dismissal under the Federal Automobile Dealer Franchise Act, 15 United States Code Sections 1221-1225. Any person having recovered full payment for any judgment or whose claim has been dismissed with prejudice under said Federal Automobile Dealer Franchise Act shall have no cause of action under this section for alleged violation of RCW 46.70.180(11)(b), with respect to matters arising prior to the date of said judgment.))~~

A civil action brought in the superior court pursuant to the provisions of this section must be filed no later than one year following the alleged violation of this chapter.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

(1) Section 17, chapter 74, Laws of 1967 ex. sess., section 20, chapter 241, Laws of 1986 and RCW 46.70.200; and

(2) Section 18, chapter 74, Laws of 1967 ex. sess., section 21, chapter 241, Laws of 1986 and RCW 46.70.210.

NEW SECTION. Sec. 24. Sections 1 through 19 of this act shall constitute a new chapter in Title 46 RCW."

Mr. Zellinsky moved adoption of the following amendment by Representatives Zellinsky, Walk and Schmidt to the amendment:

On page 7, line 21 of the House Amendment, after "(d)" strike everything through "; and" on line 25, and insert "The fair market value of all equipment, furnishings, and special tools owned or leased by the new motor vehicle dealer that were acquired from the manufacturer or sources approved by the manufacturer and that were recommended or required by the manufacturer and are in good and usable condition, less reasonable wear and tear. However, if the equipment, furnishings, or tools are leased by the new motor vehicle dealer, the manufacturer shall pay the new motor vehicle dealer such amounts that are required by the lessor to terminate the lease under the terms of the lease agreement; and"

Representatives Zellinsky and Schmidt spoke in favor of adoption of the amendment to the amendment, and it was adopted.

Mr. Walk spoke in favor of adoption of the amendment by Representatives Walk and Schmidt as amended, and it was adopted.

With consent of the House, the following amendment by Representatives Walk and Schmidt to the title was adopted:

In line 2 of the title, after "manufacturers;" strike the remainder of the title and insert "amending RCW 46.70.180 and 46.70.190; creating a new chapter in Title 46 RCW; and repealing RCW 46.70.200 and 46.70.210."

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

Representatives Walk and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1645, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betozoff, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Rayburn - 1.

Excused: Representatives Bowman, Hankins - 2.

Engrossed House Bill No. 1645, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1778, by Representatives Holland, Wang, Horn, Morris, Silver, Hine, Brumsickle, Prince, Van Luven, H. Sommers, Fuhrman, Jacobsen, Locke, Bowman, Ferguson, Rector, Youngsman, May, Schoon and Hargrove

Modifying tax status of trade shows and other convention-oriented events.

The bill was read the second time. Committee on Revenue recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 38th Day, February 15, 1989.)

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

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1778, and the bill passed the House by the following vote: Yeas, 93; nays, 2; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betozoff, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Braddock, Rust - 2.

Absent: Representative Jacobsen - 1.

Excused: Representatives Bowman, Hankins - 2.

Engrossed House Bill No. 1778, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately resume consideration of Substitute House Bill No. 1643 on the regular second reading calendar. The motion was carried. (See Journal, 58th Day, March 7, 1989 for previous action.)

The Speaker declared the House to be at ease.

The Speaker called the House to order.

SUBSTITUTE HOUSE BILL NO. 1643, by Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Insee, Miller, R. King, P. King, Dorn, Cole, Wineberry, Belcher, Dellwo, Leonard, Heavey, Crane, R. Meyers, K. Wilson, Wolfe, Rector, Prince, Brekke, Brough, Pruitt, Jacobsen, Fuhrman, Locke, Wang and Ferguson)

Changing provisions relating to prejudgment interest.

MOTION FOR RECONSIDERATION

Mr. Braddock, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the amendment by Representative H. Sommers and others passed the House. The motion was carried.

The Speaker stated the question before the House to be the adoption of the amendment by Representative H. Sommers and others.

Mr. R. Meyers moved adoption of the following amendment by Representatives R. Meyers, Padden, Miller, Appelwick, Insee and P. King to the amendment: On page 1, line 5 of the amendment, strike "any" and insert "future"

Representatives R. Meyers and Padden spoke in favor of adoption of the amendment to the amendment, and Representatives Moyer and Brooks opposed it.

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

Mr. Appelwick spoke in favor of the amendment to the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative R. Meyers and others to the amendment by Representative H. Sommers and others to Substitute House Bill No. 1643, and the amendment was adopted by the following vote: Yeas, 54; nays, 42; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Heavey, Hine, Holland, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, Padden, Phillips, Prentice, Pruitt, Rasmussen, Rector, Spanel, Sprenkle, Todd, Vekich, Walk, Wang, Wilson K, Wineberry, Wolfe, and Mr. Speaker - 54.

Voting nay: Representatives Ballard, Baugher, Beck, Betrozoff, Brooks, Brumsickle, Chandler, Day, Doty, Ferguson, Fuhrman, Gallagher, Haugen, Horn, May, McLean, Moyer, Nealey, O'Brien, Patrick, Peery, Prince, Raiter, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Tate, Valle, Van Luven, Walker, Wilson S, Winsley, Wood, Youngsman, Zellinsky - 42.

Excused: Representatives Bowman, Hankins - 2.

The amendment by Representative H. Sommers and others as amended was adopted.

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

Mr. Appelwick spoke in favor of passage of the bill, and Mr. Moyer opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1643, and the bill passed the House by the following vote: Yeas, 60; nays, 36; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Heavey, Hine, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Van Luven, Vekich, Walk, Wang, Wilson K, Wineberry, Wolfe, and Mr. Speaker - 60.

Voting nay: Representatives Ballard, Baugher, Beck, Betzoff, Brooks, Brumsickle, Chandler, Day, Doty, Ferguson, Fuhrman, Gallagher, Haugen, Holland, Horn, May, McLean, Moyer, Nealey, O'Brien, Patrick, Raiter, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Valle, Walker, Wilson S, Winsley, Wood, Youngsman, Zellinsky - 36.

Excused: Representatives Bowman, Hankins - 2.

Engrossed Substitute House Bill No. 1643, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

If I had been present on Friday, March 10, 1989, I would have voted "Yes" on the final passage of the following bills: House Bill No. 1223, Engrossed Substitute House Bill No. 1663, Engrossed Substitute House Bill No. 2137, Engrossed House Bill No. 2168, Engrossed Substitute House Bill No. 1074, Engrossed Substitute House Bill No. 1324, Engrossed Substitute House Bill No. 1864, Engrossed Substitute House Bill No. 1968, Engrossed House Bill No. 1026, Substitute House Bill No. 1031, Substitute House Bill No. 1136, House Bill No. 1239, Engrossed House Bill No. 1645, Engrossed House Bill No. 1778, and Engrossed Substitute House Bill No. 1643.

I would have voted "No" on the final passage of Engrossed Substitute House Bill No. 1671, House Bill No. 1890, Substitute House Bill No. 1160, Engrossed Substitute House Bill No. 1496, and Substitute House Bill No. 1560

I would have voted "Yes" on the amendment by Representative Silver to Substitute House Bill No. 1560; "Yes" on the amendment by Representative Chandler to Substitute House Bill No. 1968; and "Yes" on the amendment by Representative R. Meyers to the amendment by Representative H. Sommers to Substitute House Bill No. 1643.

SHIRLEY HANKINS, 8th District.

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

MOTION

On motion of Mr. Ebersole, Engrossed Senate Bill No. 5119 was referred from Committee on Rules to Committee on Transportation.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:30 a.m., Monday, March 13, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SIXTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, March 13, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Cantwell, Doty, Ferguson, Haugen, P. King, Locke, Todd, Vekich and Winsley. On motion of Ms. Miller, Representatives Doty, Ferguson and Winsley were excused. On motion of Ms. H. Myers, Representatives Appelwick, Cantwell, Haugen and Locke were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kirk Fraser and Amy Felber. Prayer was offered by The Reverend David Shaw, Minister of the First Baptist Church of Lacey.

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

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

March 13, 1989

On this day in 1889, the Washington Water Power Company was incorporated and bought part of the falls at Spokane as a power station. (The flour mill could not provide enough electricity.) When the new power station was finished, it was the largest west of Denver. And, at Roche Harbor in the San Juan Islands, lime kilns burning day and night were producing three hundred and fifty barrels a day of the vital building material. The kilns employed sixty men; a barrel sold for \$1.50.

On March 13, 1908 the heaviest rain storm of the season on Washington's Pacific Coast blocked railroads but pleased lumbermen.

On March 13, 1912 Puyallup ordered the installation of water meters in hotels, laundries, livery stables and factories (but not houses). Water rates were \$1 a month plus twenty-five cents during the "sprinkling season."

And on this day in 1920 at Montesano the trial of ten IWW members, accused of murder at the Centralia "massacre" of November 11, 1919, ended with eight convicted (one of them ruled insane) and two acquitted.

MESSAGES FROM THE SENATE

March 9, 1989

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5186,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5819,
ENGROSSED SENATE BILL NO. 5824,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5835,
SUBSTITUTE SENATE BILL NO. 5866,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5868,
SENATE BILL NO. 5887,
SUBSTITUTE SENATE BILL NO. 5927,
SUBSTITUTE SENATE BILL NO. 5947,

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 8202,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 10, 1989

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5011,
 SECOND SUBSTITUTE SENATE BILL NO. 5111,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5178,
 SECOND SUBSTITUTE SENATE BILL NO. 5203,
 ENGROSSED SENATE BILL NO. 5204,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5227,
 SUBSTITUTE SENATE BILL NO. 5241,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5318,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5339,
 ENGROSSED SENATE BILL NO. 5364,
 SUBSTITUTE SENATE BILL NO. 5383,
 SUBSTITUTE SENATE BILL NO. 5385,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5472,
 SUBSTITUTE SENATE BILL NO. 5474,
 ENGROSSED SENATE BILL NO. 5519,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5566,
 ENGROSSED SENATE BILL NO. 5590,
 SUBSTITUTE SENATE BILL NO. 5647,
 SUBSTITUTE SENATE BILL NO. 5663,
 SUBSTITUTE SENATE BILL NO. 5681,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5759,
 ENGROSSED SENATE BILL NO. 5826,
 SUBSTITUTE SENATE BILL NO. 5830,
 SUBSTITUTE SENATE BILL NO. 5843,
 SENATE BILL NO. 5987,
 SENATE BILL NO. 5992,
 SENATE BILL NO. 6002,
 SENATE BILL NO. 6005,
 SENATE BILL NO. 6012,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

Representatives Cantwell and Winsley appeared at the bar of the House.

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

INTRODUCTIONS AND FIRST READING

2SSB 5011 by Committee on Ways & Means (originally sponsored by Senators Newhouse, Matson, Sutherland, Bauer, Talmadge, Benitz, West and Rasmussen)

Providing for allocation of assets of an institutionalized spouse.

Referred to Committee on Health Care.

2SSB 5111 by Committee on Ways & Means (originally sponsored by Senators Pullen, Niemi, Thorsness, McCaslin and Johnson)

Modifying work release provisions.

Referred to Committee on Health Care.

ESSB 5178 by Committee on Health Care & Corrections (originally sponsored by Senators Patterson, Conner, Barr, Metcalfe, Sellar, Benitz, Anderson, West and Kreidler)

Defining rural hospitals.

Referred to Committee on Health Care.

ESSB 5186 by Committee on Law & Justice (originally sponsored by Senators Pullen, Talmadge, McCaslin, Nelson, Thorsness and Rasmussen)

Changing provisions relating to the commission on judicial conduct.

Referred to Committee on Judiciary.

2SSB 5203 by Committee on Ways & Means (originally sponsored by Senators Anderson and Lee)

Establishing the Washington state self-employment loan program.

Referred to Committee on Trade & Economic Development.

ESB 5204 by Senators Anderson, McMullen, Lee, Smitherman, West and Saling

Permitting the establishment of business and industrial development corporations.

Referred to Committee on Trade & Economic Development.

ESSB 5227 by Committee on Higher Education (originally sponsored by Senators Saling, Bauer, Patterson, Stratton, Smitherman, Williams, Lee and Hansen)

Establishing a state writing project to train educators.

Referred to Committee on Higher Education.

SSB 5241 by Committee on Economic Development & Labor (originally sponsored by Senators Anderson, Lee, Saling, McMullen and West)

Promoting small business growth.

Referred to Committee on Trade & Economic Development.

ESSB 5318 by Committee on Education (originally sponsored by Senators Murray, Bailey, Rinehart and Gaspard)

Requiring an annual meeting for education officials.

Referred to Committee on Education.

E2SSB 5339 by Committee on Ways & Means (originally sponsored by Senators Lee, Anderson, Smitherman, Johnson, McMullen, Bluechel, Sellar, Barr, Williams, Fleming and Sutherland; by request of Governor)

Creating the Washington economic development finance authority.

Referred to Committee on Trade & Economic Development.

ESB 5364 by Senators Metcalf, DeJarnatt, Bluechel, Kreidler, Owen, McMullen, Talmadge, Lee, Bailey and West

Addressing plastic debris in marine environment.

Referred to Committee on Environmental Affairs.

SSB 5383 by Committee on Economic Development & Labor (originally sponsored by Senators Lee, Smitherman, Anderson, McMullen and Bailey)

Establishing a program for employment and training planning.

Referred to Committee on Trade & Economic Development.

SSB 5385 by Committee on Ways & Means (originally sponsored by Senators Vognild, West, Wojahn and Barr)

Providing for collection and analysis of hospital data.

Referred to Committee on Health Care.

ESSB 5472 by Committee on Transportation (originally sponsored by Senators Nelson, Bender, Barr and Conner)

Establishing vessel dealer exemptions to chapter 88.02 RCW.

Referred to Committee on Transportation.

SSB 5474 by Committee on Law & Justice (originally sponsored by Senators Newhouse, Vognil and Talmadge; by request of Administrator for the Courts)

Requiring testing and certification of English language interpreters in court.

Referred to Committee on Judiciary.

ESB 5519 by Senators Rinehart, Bailey, Murray and Saling

Regarding collaborative projects between higher education institutions, schools, and school districts.

Referred to Committees on Education/Higher Education.

ESSB 5566 by Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Owen and Talmadge; by request of Department of Social and Health Services)

Creating the safe drinking water act.

Referred to Committee on Environmental Affairs.

ESB 5590 by Senators Conner, Johnson, Newhouse, Rasmussen, Hansen and von Reichbauer

Making changes to the firefighters relief and pension fund.

Referred to Committee on Appropriations.

SSB 5647 by Committee on Economic Development & Labor (originally sponsored by Senators Lee, Smitherman, Anderson and McMullen)

Enabling the use of federal loan guarantees.

Referred to Committee on Trade & Economic Development.

SSB 5663 by Committee on Governmental Operations (originally sponsored by Senators McCaslin, DeJarnatt, Thorsness, Newhouse and Vognil)

Authorizing counties to defend county officials in recall actions.

Referred to Committee on Local Government.

SSB 5681 by Committee on Economic Development & Labor (originally sponsored by Senators Lee, Smitherman and West; by request of Department of Labor and Industries)

Reenacting and amending provisions for asbestos projects.

Referred to Committee on Commerce & Labor.

ESSB 5759 by Committee on Education (originally sponsored by Senators Bailey, Rinehart, Lee, Warnke, Talmadge, Moore, Bauer and Stratton)

Establishing a school breakfast program.

Referred to Committee on Education.

ESSB 5819 by Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Owen, Rasmussen and Bauer)

Increasing the penalties for poaching, including seizure and forfeiture of certain personal property.

Referred to Committee on Judiciary.

ESB 5824 by Senators Johnson and McMullen

Revising the provision for payment of certain health care services.

Referred to Committee on Health Care.

ESB 5826 by Senators Bauer, Bailey, West, Rinehart, Saling, Barr, Patterson, Gaspard, Murray, Anderson, Fleming and Bender

Extending the student teaching pilot projects until December 1990.

Referred to Committee on Education.

SSB 5830 by Committee on Economic Development & Labor (originally sponsored by Senator Lee)

Extending coverage of unemployment insurance to agricultural employees over eighteen years of age.

Referred to Committee on Commerce & Labor.

ESSB 5835 by Committee on Energy & Utilities (originally sponsored by Senators Benitz and Rasmussen)

Creating an energy information program for local school district use.

Referred to Committee on Education.

SSB 5843 by Committee on Governmental Operations (originally sponsored by Senators McCaslin, Johnson, Gaspard, Smitherman, Warnke and Wojahn)

Modifying the regulations for metropolitan park districts.

Referred to Committee on Local Government.

SSB 5866 by Committee on Governmental Operations (originally sponsored by Senators Rasmussen, Pullen and Talmadge)

Permitting the use of credit cards to pay certain taxes.

Referred to Committee on State Government.

ESSB 5868 by Committee on Environment & Natural Resources (originally sponsored by Senator Kreidler)

Allowing hunters to use big game permits in January following the year of issuance.

Referred to Committee on Fisheries & Wildlife.

SB 5887 by Senators DeJarnatt and Smith

Allowing boards of county commissioners to appoint representatives to air pollution control authorities.

Referred to Committee on Environmental Affairs.

SSB 5927 by Committee on Energy & Utilities (originally sponsored by Senators Benitz and Stratton)

Prohibiting the state from paying meeting costs for other compact member states.

Referred to Committee on Energy & Utilities.

SSB 5947 by Committee on Law & Justice (originally sponsored by Senators McMullen, Pullen, Niemi, Talmadge, Murray and Anderson)

Establishing a procedure for considering abuse suffered by a defendant as a mitigating circumstance for an exceptional sentence.

Referred to Committee on Judiciary.

SB 5987 by Senators Benitz and Williams

Allowing use of alternative fuels.

Referred to Committee on Energy & Utilities.

SB 5992 by Senators Benitz, Williams and Barr

Requiring the department of agriculture to develop a guide on ethanol and methanol.

Referred to Committee on Energy & Utilities.

SB 6002 by Senators Bauer, Bailey, Rinehart, Benitz, Gaspard, Murray, Craswell, Fleming and Bender

Creating a summer school program for the blind.

Referred to Committee on Education.

SB 6005 by Senators Pullen and Talmadge

Protecting the victims of domestic violence.

Referred to Committee on Judiciary.

SB 6012 by Senator Lee

Permitting the leasing of surplus school property.

Referred to Committee on Education.

ESSJR 8202 by Committee on Law & Justice (originally sponsored by Senators Pullen, Talmadge, McCaslin, Thorsness, Rasmussen and Benitz)

Amending the Constitution to change provisions relating to the commission on judicial conduct.

Referred to Committee on Judiciary.

MOTIONS

Mr. Heavey moved that the bills and resolution listed on today's introduction sheet be referred to the committees so designated.

Ms. Brough moved that Engrossed Substitute Senate Bill No. 5186 and Engrossed Substitute Senate Joint Resolution No. 8202 be referred to Committee on State Government.

Ms. Brough spoke in favor of the motion to refer Engrossed Substitute Senate Bill No. 5186 and Engrossed Substitute Senate Joint Resolution No. 8202 to Committee on State Government, and Mr. Ebersole opposed it.

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

Mr. Fuhrman spoke in favor of the motion by Ms. Brough.

ROLL CALL

The Clerk called the roll on the motion by Representative Brough to refer Engrossed Substitute Senate Bill No. 5186 and Engrossed Substitute Senate Joint Resolution No. 8202 to Committee on State Government, and the motion was not carried by the following vote: Yeas, 32; nays, 58; absent, 3; excused, 5.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Patrick, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 32.

Voting nay: Representatives Anderson, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Heavey, Hine, Insee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Valle, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 58.

Absent: Representatives King P, Todd, Vekich - 3.

Excused: Representatives Appelwick, Doty, Ferguson, Haugen, Locke - 5.

The motion by Mr. Heavey to refer the bills and resolution listed on today's introduction sheet to the committees so designated was carried.

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

REPORTS OF STANDING COMMITTEES

March 10, 1989

SB 5022 Prime Sponsor, Senator Benitz: Modifying utilities and transportation commission reporting requirements. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Cooper, Jacobsen, Jesernig, May, Miller and H. Myers.

Absent: Representatives Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Gallagher, R. Meyers and S. Wilson.

Passed to Committee on Rules for second reading.

March 10, 1989

SSB 5126 Prime Sponsor, Committee on Energy & Utilities: Amending the provisions for a surveillance fee for low-level radioactive waste disposal. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 20, after "site" strike "; PROVIDED. That the" and insert "(~~PROVIDED; That~~), The"

Signed by Representatives Nelson, Chair; Cooper, Jacobsen, Jesernig, May, Miller and H. Myers.

Absent: Representatives Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Gallagher, R. Meyers and S. Wilson.

Passed to Committee on Rules for second reading.

March 10, 1989

SB 5172 Prime Sponsor, Senator Benitz,: Extending utility lending of credit to equipment. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Cooper, Jacobsen, Jesernig, May, Miller and H. Myers.

Absent: Representatives Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Gallagher, R. Meyers and S. Wilson.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Heavey, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

Representative Todd appeared at the bar of the House.

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

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1475 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1475, by Representatives Winsley, Dellwo, K. Wilson, Chandler, Zellinsky, Beck, Day, Schmidt, Todd, Ferguson, D. Sommers and Wang

Establishing the measure of damages for a motor vehicle.

The bill was read the second time. On motion of Mr. Crane, Substitute House Bill No. 1475 was substituted for House Bill No. 1475, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1475 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1475, and the bill passed the House by the following vote: Yeas, 90; absent, 3; excused, 5.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives King P, Vekich, Youngsman - 3.

Excused: Representatives Appelwick, Doty, Ferguson, Haugen, Locke - 5.

Substitute House Bill No. 1475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

My vote did not record on final passage of Substitute House Bill No. 1475. I voted "Yes."

JIM YOUNGSMAN, 40th District.

Representatives Doty, P. King and Vekich appeared at the bar of the House.

HOUSE BILL NO. 1521, by Representatives Leonard, Moyer, Hargrove, Ferguson, Wineberry, Winsley, Anderson, P. King, Brekke, Cole, Raiter, Scott, Prentice and Spanel

Considering minority and ethnic heritage factors in adoption and foster care placement.

The bill was read the second time. On motion of Mr. Bristow, Substitute House Bill No. 1521 was substituted for House Bill No. 1521, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1521 was read the second time.

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

Representatives Leonard, Moyer, Hargrove, Prentice and K. Wilson spoke in favor of passage of the bill, and Representatives Nealey, Heavey, Brough and Fuhrman opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1521, and the bill passed the House by the following vote: Yeas, 57; nays, 37; excused, 4.

Voting yea: Representatives Anderson, Beck, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Hine, Holland, Horn, Jacobsen, Jones, King P, King R, Leonard, Meyers R, Moyer, Myers H, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Schoon, Scott, Smith, Spanel, Sprenkle, Todd, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, and Mr. Speaker - 57.

Voting nay: Representatives Ballard, Basich, Baugher, Betzoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Crane, Doty, Fuhrman, Hankins, Heavey, Inslee, Jesernig, Kremen, May, McLean, Miller, Morris, Nealey, Patrick, Prince, Rayburn, Sayan, Schmidt, Silver, Sommers D, Sommers H, Tate, Valle, Van Luven, Walker, Wilson S, Youngsman, Zellinsky - 37.

Excused: Representatives Appelwick, Ferguson, Haugen, Locke - 4.

Substitute House Bill No. 1521, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Haugen appeared at the bar of the House.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1129 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1129, by Representatives R. Fisher, McLean, Anderson, Jacobsen, Nelson, Wineberry, Rector, O'Brien, Braddock, Belcher, Wang, R. King, Phillips, Cooper, G. Fisher, Pruitt, Fraser, Leonard, Raiter, Rust, Jesernig, Jones, Crane, Brekke, H. Myers and Spanel

Implementing voter registration by mail.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 40th Day, February 17, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on State Government.

Ms. R. Fisher moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Ms. R. Fisher, the committee amendment to the title was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1129, and the bill passed the House by the following vote: Yeas, 90; nays, 5; excused, 3.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Chandler, Fuhrman, Nealey, Padden, Wolfe - 5.

Excused: Representatives Appelwick, Ferguson, Locke - 3.

Engrossed House Bill No. 1475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1433 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1433, by Representatives Wineberry, R. Fisher, McLean, Anderson, Nelson, Wang, Inslee, R. King and Todd

Extending the voter registration period.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 40th Day, February 17, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on State Government.

Ms. R. Fisher moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1433, and the bill passed the House by the following vote: Yeas, 87; nays, 8; excused, 3.

Voting yea: Representatives Anderson, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Ballard, Brough, Chandler, Fuhrman, Nealey, Padden, Wilson S, Wolfe - 8.

Excused: Representatives Appelwick, Ferguson, Locke - 3.

Engrossed House Bill No. 1433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Locke appeared at the bar of the House.

HOUSE BILL NO. 1666, by Representatives Anderson, Hankins, R. Fisher, Jacobsen, R. King, Bristow, Silver, Rector, McLean, O'Brien, Prentice, Wineberry, Todd, Morris, Sayan, Beck, Wang, Ferguson, Van Luven, P. King, Nutley, Pruitt, Winsley, Youngsman and Nelson; by request of Secretary of State

Establishing voter registration along with driver licensing.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on State Government as amended by Committee on Appropriations. (For committee amendment, see Journal, 57th Day, March 6, 1989.)

On motion of Ms. R. Fisher, Substitute House Bill No. 1666 was substituted for House Bill No. 1666, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1666 was read the second time.

Ms. H. Sommers moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson and Hankins spoke in favor of passage of the bill, and Representatives Schmidt and Silver opposed it. Representatives Anderson and Hankins again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1666, and the bill passed the House by the following vote: Yeas, 79; nays, 17; excused, 2.

Voting yea: Representatives Anderson, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Smith, Sommers H, Spanel, Sprenkle, Todd, Valle, Van Luven, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Youngsman, Zellinsky, and Mr. Speaker - 79.

Voting nay: Representatives Ballard, Brough, Chandler, Fuhrman, Horn, Moyer, Nealey, Padden, Patrick, Schmidt, Silver, Sommers D, Tate, Walker, Wilson S, Wolfe, Wood - 17.

Excused: Representatives Appelwick, Ferguson - 2.

Engrossed Substitute House Bill No. 1666, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Ferguson appeared at the bar of the House.

STATEMENT FOR THE JOURNAL

For the record I would like it to be known that I was excused for attending a Bellevue Chamber of Commerce meeting. The record should show that I favor the following bills and would have voted "Yes" on them: Substitute House Bill No. 1475, Substitute House Bill No. 1521, Engrossed House Bill No. 1129, Engrossed House Bill No. 1433, and Engrossed Substitute House Bill No. 1666.

ROY A. FERGUSON, 48th District.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4609, by Representatives Patrick, Crane, Brough, Rayburn, Youngsman, Dellwo, Schoon, Hankins, Tate, Schmidt, Padden, Jacobsen, D. Sommers, H. Myers, R. Fisher, P. King, Wineberry, Kremen, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dorn, Doty, Ebersole, Ferguson, G. Fisher, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jesernig, Jones, J. King, R. King, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Silver, Smith, H. Sommers, Spanel, Sprenkle, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, K. Wilson, S. Wilson, Winsley, Wolfe, Wood and Zellinsky

WHEREAS, Drugs are destroying families, taking human lives, costing the economy millions of dollars and infiltrating our educational system; and

WHEREAS, Drugs are rapidly becoming the number one enemy of the State of Washington; and

WHEREAS, Drugs have been linked to over eighty percent of all crimes; and

WHEREAS, Drug use is on the rise with our young children including those at the elementary school level; and

WHEREAS, Drug education is fast becoming recognized as the most effective means of dealing with the drug crisis; and

WHEREAS, Studies have found that teaching our children at a young age to deal effectively with peer pressure (learning how to say no) is the most effective deterrent to drug use; and

WHEREAS, A program developed in Los Angeles and adopted in many communities in the State of Washington, which utilizes specially trained police officers to enter grade schools and teach our youth how to deal with peer pressure, has experienced tremendous success. The program is entitled Drug Abuse Resistance Education (D.A.R.E.);

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives supports, recommends and endorses the D.A.R.E. program to save our childrens' future.

Mr. Patrick moved adoption of the resolution. Representatives Patrick, Wineberry, Leonard and Rayburn spoke in favor of adoption of the resolution.

On motion of Mr. Horn, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 89-4609 was adopted.

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

SECOND READING.

MOTION

Mr. Heavey moved that the House immediately consider House Joint Memorial No. 4006 on the regular second reading calendar. The motion was carried.

HOUSE JOINT MEMORIAL NO. 4006, by Representatives Anderson, R. Fisher, Hankins, Jacobsen, Winsley, Brekke, R. King, Nelson, Jesernig, Rector, Haugen, Wineberry, Spanel, O'Brien, Kremen, Morris, Bristow, Sayan, McLean, Brumsickle, Jones, Brough, Beck, Wang, Basich, Ballard, Horn, Ferguson, Bowman, Walker, D. Sommers, Wolfe, Fuhrman, Nealey, Youngsman, Leonard, Tate, G. Fisher, Todd and Doty

Asking the federal government to adopt a uniform poll closing law.

The memorial was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Representatives Anderson, Schmidt and Vekich spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial no. 4006, and the memorial passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Appelwick - 1.

House Joint Memorial No. 4006, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1756, by Representatives Sprengle, S. Wilson, Rector, Fuhrman, Hargrove, K. Wilson, Haugen, Jacobsen and Scott

Providing for extended area service by telecommunications companies.

The bill was read the second time. On motion of Mr. Nelson, Substitute House Bill No. 1756 was substituted for House Bill No. 1756, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1756 was read the second time.

Ms. Brough moved adoption of the following amendments:

On page 2, line 16, after "company" insert "or companies"
On page 3, line 9, after "January 1," strike "1989" and insert "1990"
On page 3, line 10, after "January 1," strike "1989" and insert "1990"

Representatives Brough, Smith and Betrozoff spoke in favor of adoption of the amendments, and Representatives Nelson, Sprengle and R. Meyers opposed them. Ms. Brough again spoke in favor of the amendments.

The amendments were not adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sprengle, Nelson, Betrozoff, K. Wilson and Jacobsen spoke in favor of passage of the bill, and Representatives Miller, Hankins, Brough and May opposed it. Mr. Sprengle again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1756, and the bill passed the House by the following vote: Yeas, 63; nays, 34; excused, 1.

Voting yea: Representatives Anderson, Basich, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Haugen, Heavey, Hine, Jacobsen, Jones, King P, King R, Kremen, Leonard, Meyers R, Morris, Myers H, Nelson, Nutley,

O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 63.

Voting nay: Representatives Ballard, Baugher, Beck, Brough, Chandler, Doty, Gallagher, Hankins, Hargrove, Holland, Horn, Insee, Jesernig, Locke, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wolfe, Wood, Youngsman - 34.

Excused: Representative Appelwick - 1.

Substitute House Bill No. 1756, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1862, by Representatives McLean, Hine, Sayan, Silver, Winsley, Van Luven and Doty

Providing twelve-months' service credit to public employees' retirement system members who are employed on a continuous nine-month basis at designated schools.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

Ms. H. Sommers moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Grant, the committee amendment to the title was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1862, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Appelwick - 1.

Engrossed House Bill No. 1862, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1872, by Representatives Heavey, Prince, Valle, Brough, Anderson, R. Meyers, Walker, Haugen, Rasmussen, Ebersole, Bristow, Scott, Fraser, Patrick, Raiter, Ballard, Hine, Phillips, G. Fisher, K. Wilson, Day, Winsley, Prentice, D. Sommers, Leonard, Zellinsky, Todd and Wood

Allowing counties, cities and towns to regulate hitchhiking in some situations.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1872, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Appelwick - 1.

House Bill No. 1872, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1909, by Representatives Horn, Haugen, Ferguson, Cooper, Silver, May, Raiter, Holland, Nelson, Phillips, K. Wilson, Betzoff, Brumsickle, Walker, Wood, Nealey, Wolfe, Nutley, Rayburn, Zellinsky, Todd, D. Sommers, Rector and Winsley

Authorizing local government to file abandoned intangible property records in archives after five years and transfer the property to its general fund.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 52nd Day, March 1, 1989.)

Ms. Haugen moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Mr. Horn moved adoption of the following amendment by Representatives Horn, Haugen, Ferguson and Wood:

On page 1, beginning on line 7, strike ", as authorized under RCW 63.29.100."

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

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1909, and the bill passed the House by the following vote: Yeas, 95; nays, 2; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Waik, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Chandler, Wilson S - 2.

Excused: Representative Appelwick - 1.

Engrossed House Bill No. 1909, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1917, by Representatives O'Brien, May, Gallagher, Wineberry, Nelson, Locke, Sayan, Patrick, Baugher, Ferguson and McLean

Establishing a certified real estate appraiser law.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 52nd Day, March 1, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Commerce & Labor.

Mr. Vekich moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1917, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Appelwick - 1.

Engrossed House Bill No. 1917, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1956, by Representatives Winsley, Brekke, Heavey, Leonard, Moyer, Bristow, Padden, Ebersole, Anderson and Youngsman

Revising and adding provisions on adoption.

The bill was read the second time. On motion of Mr. Bristow, Substitute House Bill No. 1956 was substituted for House Bill No. 1956, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1956 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1956, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Appelwick - 1.

Substitute House Bill No. 1956, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1984, by Representatives Hargrove, Belcher, Basich, Jones, Sayan, Raiter, Vekich, Beck, Brumsickle, Bowman, Doty, Winsley, Kremen, Cooper and H. Myers

Requiring the department of natural resources to prepare a timber supply report.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

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

On motion of Mr. Grant, the committee amendments to the title were adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1984, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Appelwick - 1.

Engrossed House Bill No. 1984, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2060, by Representatives Patrick, Leonard, Beck, Vekich, Baugher, Prentice, Crane, Doty, Insee, Padden, Kremen, Rayburn, Holland, Walker, Wolfe, Silver, Ballard, Miller, Rector, Winsley, Smith and Todd

Providing industrial insurance coverage for the horse racing industry.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

MOTION

Mr. Heavey moved that the House defer further consideration of House Bill No. 2060 and that the bill hold its place on the third reading calendar. The motion was carried.

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

AFTERNOON SESSION

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

Representative Appelwick appeared at the bar of the House.

ANNOUNCEMENT BY THE SPEAKER

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

MOTIONS

Ms. Hine moved that the House defer consideration of House Bill No. 1286 and that the bill hold its place on the second reading calendar. The motion was carried.

Mr. Heavey moved that the House defer consideration of House Bill No. 1326 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1454, by Representatives Todd, Patrick, Cantwell, Walk and P. King

Specifying ownership of transportation improvements in a transportation benefit district.

The bill was read the second time.

Mr. Walk moved that the committee recommendation be adopted (For committee amendments, see Journal, 52nd Day, March 1, 1989.) and the bill be advanced to third reading. Mr. Todd spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1454.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1454, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spaniel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Rasmussen - 1.

Engrossed House Bill No. 1454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1455, by Representatives Appelwick, Patrick, Heavey and Brough

Authorizing local elections in single district courts with multiple courtrooms.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Appelwick and Padden spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1455.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1455, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean,

Meyers R. Miller, Morris, Moyer, Myers H. Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D. Sommers H. Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K. Wilson S. Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1455, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1565, by Representatives Locke, Wang, Brough, Padden, Belcher, Wineberry, Winsley and R. Fisher

Relating to family relationships presumed to be valid for immigrants.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Appelwick spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1565.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1565, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1565, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1570, by Representatives R. Fisher and McLean; by request of Secretary of State

Changing election procedures in optional code cities.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. R. Fisher spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1570.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1570, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1570, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1571, by Representatives R. Fisher, McLean and Sayan; by request of Secretary of State

Changing the procedure for filling port district vacancies.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives R. Fisher and McLean spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1571.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1571, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1580, by Representatives R. Fisher, McLean, Holland, Silver, H. Sommers, Anderson, Winsley, P. King and Betzoff; by request of Office of Financial Management

Authorizing state agencies to report past due accounts receivable to credit reporting agencies.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted (For committee amendments, see Journal, 52nd Day, March 1, 1989.) and the bill be advanced to third reading. Ms. R. Fisher spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1580.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1580, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1580, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1618, by Representatives Locke, Nutley, Winsley, Wineberry, Betrozoff, Anderson, Jacobsen and O'Brien

Making major revisions concerning public housing authorities.

The bill was read the second time.

Ms. Nutley moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Nutley spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1618.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1618, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Loven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1618, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1621, by Representatives Belcher, Jacobsen, Cole, R. King, R. Fisher, Bowman, Appelwick, Locke, Morris, Nelson, Haugen, Anderson, O'Brien, Wineberry and Brekke

Adding an additional factor of past, present, and future earning capacity into the spousal maintenance determination.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Appelwick spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1621.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1621, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Loven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1621, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1665, by Representatives R. Fisher, McLean, Anderson, Ferguson and Winsley

Providing for greater cost-efficiency in disposing of state surplus property.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted (For committee amendment, see Journal, 52nd Day, March 1, 1989.) and the bill be advanced to third reading. Ms. R. Fisher spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1665.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1665, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1665, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1718, by Representatives Hine, Silver, Baugher and D. Sommers; by request of Department of Retirement Systems

Changing provisions relating to disability retirement for Washington state patrol.

The bill was read the second time.

Mr. Grant moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Grant spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1718.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1718, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1718, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1719, by Representatives Hine, Silver and D. Sommers; by request of Department of Retirement Systems

Providing for disposition of excess retirement benefits upon death of the recipient.

The bill was read the second time.

Mr. Grant moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Grant spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1719.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1719, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1719, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Joint Memorial No. 4015 on the regular second reading calendar. The motion was carried.

HOUSE JOINT MEMORIAL NO. 4015, by Representatives Prince, Jacobsen, Miller, Basich, Wood, Van Luven, Doty and Baugher

Regarding student loans.

The memorial was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Mr. Prince spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4015, and the memorial passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Joint Memorial No. 4015, having received the constitutional majority, was declared passed.

MOTION

Mr. Heavey moved that the House immediately consider the following bills on the regular second reading calendar in the following order: House Bill No. 1337,

House Joint Memorial No. 4016, House Bill No. 1174, and House Bill No. 1175. The motion was carried.

HOUSE BILL NO. 1337, by Representatives Cole, Braddock, Scott, Cantwell, Leonard and Dellwo

Mandating imprinting of over-the-counter medications.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1337 was substituted for House Bill No. 1337, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1337 was read the second time.

Ms. Cole moved adoption of the following amendments by Representatives Cole and Braddock:

On page 2, line 10, after "medication" insert ": PROVIDED, HOWEVER, That an over-the-counter medication which has clearly marked or imprinted on it a distinctive logo, symbol, product name, letters, or other identifying mark, or which by its color, shape, or size together with a distinctive logo, symbol, product name, letters, or other mark is identifiable, shall be deemed in compliance with the provisions of this chapter"

On page 2, line 25, strike "medication" and insert "drug"

On page 2, line 27, after "practitioners." insert "For purposes of this chapter, over-the-counter medication does not include vitamins."

Ms. Cole spoke in favor of adoption of the amendments, and they were adopted.

Ms. Cole moved adoption of the following amendments by Representatives Cole and Braddock:

On page 3, line 8, after "chapter" insert "after one notice of noncompliance by the board"

On page 3, beginning on line 14, strike all material through "1991." on line 21 and insert the following:

"NEW SECTION. Sec. 7. All over-the-counter medications manufactured in, received by, distributed to, or shipped to any retailer or wholesaler in this state after January 1, 1993, shall meet the requirements of this chapter. No over-the-counter medication may be sold to a consumer in this state after January 1, 1994, unless such over-the-counter medication complies with the imprinting requirements of this chapter.

NEW SECTION. Sec. 8. (1) The board, upon application of a manufacturer, may exempt an over-the-counter drug from the requirements of chapter 69. RCW (sections 2 through 8 of this act) on the grounds that imprinting is infeasible because of size, texture, or other unique characteristics."

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

Ms. Cole spoke in favor of adoption of the amendments, and they were adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cole and Wolfe spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1337, and the bill passed the House by the following vote: Yeas, 98.

Voting ye: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Vaile, Van Loven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1337, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE JOINT MEMORIAL NO. 4016, by Representatives Wang, Holland, H. Sommers, Silver, Grant, Rust, May, Spanel, Anderson and Winsley

Petitioning Congress to enact legislation authorizing the collection of sales tax from out-of-state direct marketers.

The memorial was read the second time. On motion of Mr. Wang, Substitute House Joint Memorial No. 4016 was substituted for House Joint Memorial No. 4016, and the substitute memorial was placed on the second reading calendar.

Substitute House Joint Memorial No. 4016 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Representatives Wang and Holland spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4016, and the memorial passed the House by the following vote: Yeas, 98.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Loven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

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

HOUSE BILL NO. 1174, by Representatives Phillips, Wood, Haugen, Ferguson, Rayburn, Horn, Raiter, Wolfe, Cooper, Nutley, Todd, Doty, Hine, Winsley, Jones, Nelson, Sayan and Ebersole; by request of Governor Gardner

Creating a procedure for local government service agreements.

The bill was read the second time. On motion of Ms. H. Sommers, Second Substitute House Bill No. 1174 was substituted for House Bill No. 1274, and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1174 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker assumed the Chair.

Representatives Phillips, Ferguson and Haugen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1174, and the bill passed the House by the following vote: Yeas, 98.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Loven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Second Substitute House Bill No. 1174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1175, by Representatives Raiter, Horn, Haugen, Ferguson, Wolfe, Rayburn, Wood, Cooper, Nutley, Todd, Doty, Hine, Winsley, Jones, Nelson, Sayan, Phillips, Brough, Ebersole and Sprengle; by request of Governor Gardner

Establishing a citizens' review process for altering local governments.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 19th Day, January 27, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on State Government as further amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

Ms. Haugen moved adoption of the committee amendments by Committee on Local Government and spoke in favor of them. The committee amendments were adopted.

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

With consent of the House, the committee amendment by Committee on Appropriations to the title was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Raiter, Horn and Haugen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1175, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider the following bills on the regular second reading calendar in the following order: House Bill No. 2060, House Bill No. 1305, House Bill No. 1355, House Bill No. 1360, House Bill No. 1631, House Bill No. 1858, House Bill No. 2024, and House Bill No. 2036. The motion was carried.

HOUSE BILL NO. 2060, by Representatives Patrick, Leonard, Beck, Vekich, Baugher, Prentice, Crane, Doty, Inslee, Padden, Kremen, Rayburn, Holland, Walker, Wolfe, Silver, Ballard, Miller, Rector, Winsley, Smith and Todd

Providing industrial insurance coverage for the horse racing industry.

The Speaker stated the question before the House to be the final passage of House Bill No. 2060. (See Morning Session for previous action.)

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

POINT OF INQUIRY

Mr. Patrick yielded to question by Ms. Leonard.

Ms. Leonard: Representative Patrick, is the intent of House Bill No. 2060 to cover all owners and trainers who participate in horse racing in Washington State?

Mr. Patrick: Thank you, Representative Leonard. Yes, all owners and trainers would be required to pay the industrial insurance premium when they obtain their license from the Washington State Horse Racing Commission. The fee would be paid once for each license. The bill does not permit exclusion of any owners or trainers from the industrial insurance premium requirement.

Ms. Leonard spoke in favor of the bill, and Mr. R. King opposed it. Mr. Patrick again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2060, and the bill passed the House by the following vote: Yeas, 96; nays, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representatives King R, Vekich - 2.

House Bill No. 2060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1305, by Representatives Wang, Holland and Appelwick; by request of Department of Revenue

Modifying taxation of light and power businesses.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1305 was substituted for House Bill No. 1305, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1305 was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Wang spoke in favor of passage of the bill, and Mr. Holland opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1305, and the bill passed the House by the following vote: Yeas, 58; nays, 39; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Hine, Inslee, Jacobsen, Jones, King R, Kremen, Leonard, Locke, Meyers R, Morris, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 58.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Dorn, Doty, Ferguson, Fuhrman, Hankins, Heavey, Holland, Horn, Jesernig, King P, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rector, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Wolfe, Wood, Youngsman - 39.

Absent: Representative Myers H - 1.

Substitute House Bill No. 1305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 1355, by Representatives G. Fisher, Smith, Sprenkle, Inslee, Crane and Sayan; by request of Governor Gardner

Improving state motor vehicle operations.

The bill was read the second time. On motion of Mr. Grant, Substitute House Bill No. 1355 was substituted for House Bill No. 1355, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1355 was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. G. Fisher spoke in favor of passage of the bill

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1355, and the bill passed the House by the following vote: Yeas, 92; absent, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Wolfe, Wood, Youngsman, and Mr. Speaker - 92.

Absent: Representatives Basich, Crane, Hargrove, Jones, Winsley, Zellinsky - 6.

Substitute House Bill No. 1355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1360, by Representatives R. Fisher, Ballard and Betrozoff; by request of Governor Gardner

Revising personnel administration.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 50th Day, February 27, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on State Government

Ms. R. Fisher moved adoption of the committee amendments on page 3, lines 21 and 30, and spoke in favor of them. The committee amendments were adopted.

Ms. R. Fisher moved adoption of the committee amendment on page 4, beginning on line 16, and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1360, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1360, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1631, by Representatives Ferguson, Haugen, Van Luven, Braddock, Hine, Nelson, May and Day

Financing convention centers through local improvement districts.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ferguson and Haugen spoke in favor of passage of the bill

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1631, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1631, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1858, by Representatives Kremen, Cantwell, Doty, Schoon, Rasmussen, Moyer, Raiter, Braddock and Wineberry

Authorizing the supervisor of banking to regulate the small business association 7(a) loan guaranty program.

The bill was read the second time. On motion of Ms. Cantwell, Substitute House Bill No. 1858 was substituted for House Bill No. 1858, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1858 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Kremen and Doty spoke in favor of passage of the bill

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1858, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1858, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2024, by Representatives Walk, Cantwell, Schoon, Rasmussen, Doty, Winsley, P. King, Pruitt, Kremen, Wood and D. Sommers

Mandating regulatory fairness.

The bill was read the second time. On motion of Ms. Cantwell, Substitute House Bill No. 2024 was substituted for House Bill No. 2024, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2024 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Walk and Doty spoke in favor of passage of the bill

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2024, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Hine - 1.

Substitute House Bill No. 2024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Heavey, Representative Belcher was excused.

HOUSE BILL NO. 2036, by Representatives Ebersole, Brough, Wang and Schoon

Modifying the regulations for metropolitan park districts.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 2036 was substituted for House Bill No. 2036 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2036 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Haugen spoke in favor of passage of the bill

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2036, and the bill passed the House by the following vote: Yeas, 86; nays, 11; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers H, Spanel, Sprengle, Todd, Valle, Van Luven, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Youngsman, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Beck, Bowman, Brumsickle, Fuhrman, Horn, Padden, Silver, Sommers D, Tate, Walker, Wood - 11.

Excused: Representative Belcher - 1.

Substitute House Bill No. 2036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced that the House would immediately resume consideration of Substitute House Bill No. 1217 on second reading. (See Journal, 61st Day, March 10, 1989, for previous action.)

SUBSTITUTE HOUSE BILL NO. 1217, by Committee on Local Government (originally sponsored by Representatives Cooper, Ferguson, Haugen and Hine)

Revising provisions for water and sewer districts.

The Speaker stated the question before the House to be the Point of Order by Representative Haugen regarding the scope and object of the amendment by Representatives Spanel, Kremen, Youngsman and Braddock.

SPEAKER'S RULING

The Speaker: The Speaker finds that, while the substitute bill does deal with sewer and water districts, that is about the only similarity between the amendment and the original subject of the bill. This would be a classic example of where the member's amendment is intended to perfect. The original bill, while it mentions sewer and water districts, deals with annexations of any territories for sewer and water districts, how to merge or consolidate sewer or water districts, and how to sell real property. Basically, the original bill deals with governance issues of sewer and water districts; it does not deal with the subject that Representative Spanel has attempted to raise. I find, Representative Haugen, that your point is well taken; that the amendment is outside the scope and object of the original bill.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Cooper spoke in favor of passage of the bill

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1217, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Braddock, Brække, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Sommers H - 1.

Excused: Representative Belcher - 1.

Substitute House Bill No. 1217, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1028, by Representatives R. King, S. Wilson, Haugen, Spanel and Rasmussen; by request of Department of Fisheries

Changing requirements for fishing licenses.

The bill was read the second time. On motion of Mr. R. King, Substitute House Bill No. 1028 was substituted for House Bill No. 1028, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1028 was read the second time.

Mr. Smith moved adoption of the following amendment by Representatives Smith and R. King:

On page 8, line 34, after "least" strike "ninety" and insert "thirty"

Representatives Smith and R. King spoke in favor of adoption of the amendment, and it was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. King and S. Wilson spoke in favor of passage of the bill

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1028, and the bill passed the House by the following vote: Yeas, 90; nays, 6; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 90.

Voting nay: Representatives Braddock, Prentice, Schmidt, Van Luven, Vekich, Zellinsky - 6.
Absent: Representative Heavey - 1.

Excused: Representative Belcher - 1.

Engrossed Substitute House Bill No. 1028, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House defer consideration of House Bill No. 1065 and that the bill hold its place on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1066, by Representatives Jones, Hargrove, Crane, Walker, Cole, Basich, Patrick and Wineberry; by request of Employment Security Department

Appropriating money for an employment security office building in Port Angeles.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jones and Schoon spoke in favor of passage of the bill

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1066, and the bill passed the House by the following vote: Yeas, 95; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Rayburn, Sayan - 2.

Excused: Representative Belcher - 1.

House Bill No. 1066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Mr. Heavey, Representative Wang was excused.

Mr. Heavey moved that the House immediately consider House Bill No. 1065 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1065, by Representatives Jones, Hargrove, Patrick, Walker, S. Wilson, Haugen, Basich, Brough, Todd, Ferguson, Holland, Crane, Cole, Rayburn, Jesernig, Rector, Heavey, Pruitt, Leonard, Kremen, Winsley, P. King, Bowman, Moyer, Silver, Cantwell, D. Sommers, Wineberry, H. Myers, G. Fisher, K. Wilson, Morris, Miller, Wolfe, Youngsman, Van Luven, McLean, Nealey, Tate, May, Schoon, Brumsickle, Doty, Phillips, Betrozoff and Anderson

Increasing penalties for sex crimes against children.

The bill was read the second time. On motion of Mr. Crane, Substitute House Bill No. 1065 was substituted for House Bill No. 1065, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1065 was read the second time.

Mr. Patrick moved adoption of the following amendment:

On page 16, following line 26, insert:

***NEW SECTION.** Sec. 4. In cases relating to sexual offenses allegedly committed against a child under the age of ten years, statements made by the child to a licensed mental health care provider for the purpose of diagnosis or treatment of a mental or emotional disorder insofar as those statements are reasonably pertinent to that diagnosis or treatment shall be admissible as evidence whether or not the child is available as a witness."

Renumber the remaining sections consecutively.

POINT OF ORDER

Mr. Crane: Mr. Speaker, I request a ruling on the scope and object of this amendment.

SPEAKER'S RULING

The Speaker: Representative Crane, the Speaker has examined both House Bill No. 1065 and Substitute House Bill No. 1065 and finds that they deal with the general subject of the Sentencing Guidelines Commission and specifically with the evaluation of the effectiveness of mandatory treatment for sexual offenders. It deals with the statute of limitations; it deals with establishing a commission to study this. The amendment, I think, is outside the scope. It goes on and tries to define what is legally admissible evidence in these cases. When a bill sets out to do several things, the amendment can perfect that piece of legislation, but it cannot bring in a new subject. For that reason, Representative Crane, I find that your point is well taken; that the amendment is outside the scope and object of both the bill and the substitute bill.

Mr. Patrick moved adoption of the following amendment:

On page 16, following line 26, insert:

***NEW SECTION.** Sec. 4. In cases relating to sexual offenses allegedly committed against a child under the age of ten years, statements made by the child describing any act of sexual conduct performed with or on the child shall be admissible as evidence whether or not the child is available as a witness, if it is established to the satisfaction of the court that the timing, content and circumstances of the statement provides substantial indicia of reliability. In determining whether a statement provides substantial indicia of reliability the court shall consider, but is not limited to, the following factors:

- (A) The child's personal knowledge of the event;
- (B) Certainty that the statement was made, including the credibility of the person testifying about the statement;
- (C) Any apparent motive the child may have to falsify or distort the event, including bias, corruption or coercion;
- (D) Whether more than one person heard the statement;
- (E) The nature of any alleged abuse;
- (F) Whether the child's age makes it unlikely that the child fabricated a statement that represents a graphic, detailed account beyond the child's knowledge and experience;
- (G) Whether the statement has internal consistency or coherence and uses terminology appropriate to the child's age;

(H) Whether extrinsic evidence exists to show the accused's opportunity to commit the act to which the child's statement refers."

Renumber the remaining sections consecutively.

POINT OF ORDER

Mr. Crane: I request a ruling on the scope and object of this amendment also, Mr. Speaker.

SPEAKER'S RULING

The Speaker: Representative Crane, this will only take a quick perusal of the amendment. Since the point raised is very, very similar to the previous one, again the amendment offered by Representative Patrick does not perfect the original bill or the substitute bill. It tends to bring into the discussion what is admissible evidence. I find that your point is well taken; the amendment is outside the scope and object of the original bill.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jones and Patrick spoke in favor of passage of the bill

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1065, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslæe, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Vaile, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Belcher, Wang - 2.

Substitute House Bill No. 1065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease until 6:30 p.m.

EVENING SESSION

The Speaker called the House to order at 6:30 p.m.

MOTION

On motion of Ms. Miller, Representative Schoon was excused.

HOUSE BILL NO. 1085, by Representatives Ferguson, Dellwo, Day, Heavey, May, Haugen, D. Sommers, Brough, Winsley, Nelson, Beck, R. Meyers, Moyer, Van Luven, Doty, Betrozoff, Sayan, Chandler, Miller, Silver, Rector, Holland, Walker, Rasmussen, Vaile and Anderson

Providing insurance coverage for neurodevelopmental therapy.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wolfe, Chandler, Fuhrman, Sprenkle and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1085, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Belcher, Schoon, Wang - 3.

House Bill No. 1085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1156, by Representatives Holland, Schoon, Horn, Rasmussen and May

Clarifying provisions relating to eighteen year old high school students' residence for the purpose of school assignment. .

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1156, and the bill passed the House by the following vote: Yeas, 92; nays, 1; absent, 2; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representative Vekich - 1.

Absent: Representatives Braddock, Jesernig - 2.

Excused: Representatives Belcher, Schoon, Wang - 3.

House Bill No. 1156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I wish the Journal to reflect my support for House Bill No. 1156. It was my intent to cast a favorable vote for this measure on final passage, but was prevented from doing so by the necessity at that point in the proceedings to carry out responsibilities relating to my duties as Majority Whip to assist in scheduling floor action.

JIM JESERNIG, 8th District.

HOUSE BILL NO. 1165, by Representatives O'Brien, Ferguson, Winsley, Haugen and Nelson

Establishing a temporary commission of public ports.

The bill was read the second time. On motion of Ms. Cantwell, Substitute House Bill No. 1165 was substituted for House Bill No. 1165, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1165 was read the second time.

Ms. Doty moved adoption of the following amendment by Representatives Doty, McLean, O'Brien and Cantwell:

On page 1, line 18, insert the following:

"(c) Opportunities to expand the state's air cargo capacity by identifying air cargo trends worldwide, identifying existing, planned, and potential air cargo capabilities and facilities in

the state, analyzing the economic feasibility of planned and potential air cargo facilities with respect to transport shipping costs, and developing alternative policies for state and local government action to help ensure Washington remains competitive with respect to air cargo facilities;"

Remember the remaining subsections consecutively and correct internal references accordingly.

Ms. Doty spoke in favor of adoption of the amendment, and it was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1165, and the bill passed the House by the following vote: Yeas, 90; nays, 2; absent, 3; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Bowman, Winsley - 2.

Absent: Representatives Holland, Leonard, Prince - 3.

Excused: Representatives Belcher, Schoon, Wang - 3.

Engrossed Substitute House Bill No. 1165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1220, by Representatives Nealey, Haugen, Ferguson and Miller

Revising provisions for contract projects by water and sewer districts.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 24, 1989.)

Mr. Cooper moved adoption of the committee amendment on page 3, line 9, and spoke in favor of it. The committee amendment was adopted.

Mr. Cooper moved adoption of the committee amendment on page 5, after line 26, and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1220, and the bill passed the House by the following vote: Yeas, 93; absent, 2; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Basich, Hargrove - 2.

Excused: Representatives Belcher, Schoon, Wang - 3.

Engrossed House Bill No. 1220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1237, by Representatives Appelwick, Patrick, Crane, Moyer, Scott and Schmidt

Changing allowable fees charged by clerks of the superior court.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Judiciary as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

On motion of Mr. Appelwick, Substitute House Bill No. 1237 was substituted for House Bill No. 1237, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1237 was read the second time.

Mr. Grant moved adoption of the committee amendment.

Mr. Locke moved adoption of the following amendments to the committee amendment:

On page 1, line 10 of the Appropriations Committee amendment, after "appropriation," insert "Of each one hundred dollar filing fee collected under RCW 36.18.020(1) and (2), the county treasurer shall remit twenty-two dollars to the state treasurer for deposit into the account."

On page 4, line 28, strike "fund" and insert "account"

Mr. Locke spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Grant spoke in favor of adoption of the committee amendment as amended, and it was adopted.

With consent of the House, the committee amendment to the title was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Appelwick spoke in favor of passage of the bill, and Mr. Padden spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1237, and the bill passed the House by the following vote: Yeas, 54; nays, 41; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Braddock, Brekke, Bristow, Cantwell, Cole, Crane, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Hine, Jacobsen, Jones, King R, Kremen, Leonard, Locke, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Silver, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Walk, Wilson K, Wineberry, and Mr. Speaker - 54.

Voting nay: Representatives Ballard, Baugher, Beck, Betzoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Cooper, Day, Doty, Ferguson, Fuhrman, Hankins, Heavey, Holland, Horn, Inslee, Jesernig, King P, May, McLean, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Schmidt, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 41.

Excused: Representatives Belcher, Schoon, Wang - 3.

Engrossed Substitute House Bill No. 1237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

My vote on final passage of Engrossed Substitute House Bill No. 1237 should be "No" instead of "Yes."

JEAN SILVER, 5th District.

HOUSE BILL NO. 1301, by Representatives D. Sommers, Rust, Walker, Sprenkle, Valle, Schoon, Pruitt, Phillips, Nealey, G. Fisher, Brekke, Fraser, Moyer, Rector and Silver

Providing for radon studies.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Environmental Affairs as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

On motion of Ms. Rust, Substitute House Bill No. 1301 was substituted for House Bill No. 1301, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1301 was read the second time.

Mr. Grant moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1301, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Belcher, Schoon, Wang - 3.

Engrossed Substitute House Bill No. 1301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1334, by Representatives Rasmussen, Peery, Moyer, Dorn, Walker, Brumsickle, Betrozoff, K. Wilson, Fuhrman, Fraser, McLean, Spanel, Anderson, Sayan, Hargrove, Phillips, Beck, Winsley, Basich, Cooper, Kremen, Valle, Grant, Belcher, Heavey, May, Vekich, Rust, Scott, Rayburn, Patrick, Bowman, Day, Wineberry, Jesernig, Rector, O'Brien, Locke, Smith, P. King, Pruitt, H. Myers, Silver, Doty and Crane

Encouraging senior citizens to volunteer as teacher's aides.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 43rd Day, February 20, 1989.)

Ms. Rasmussen moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

Mr. G. Fisher moved adoption of the following amendment by Representatives Rasmussen and G. Fisher:

On page 1, line 25, after "program." strike all material through and including "act." on page 2, line 1.

Mr. G. Fisher spoke in favor of adoption of the amendment, and it was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rasmussen and Brumsickle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1334, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Belcher, Schoon, Wang - 3.

Engrossed House Bill No. 1334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1480, by Representatives Hankins, Sayan, R. Fisher, Belcher and Fraser; by request of Secretary of State

Changing provisions relating to the productivity board.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 47th Day, February 24, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Appropriations and without amendment by Committee on State Government. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

Ms. R. Fisher moved that the House not adopt the committee amendment by Committee on State Government. The motion was carried.

Mr. Locke moved adoption of the committee amendments by Committee on Appropriations and spoke in favor of them. The committee amendments were adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1480, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Belcher, Schoon, Wang - 3.

Engrossed House Bill No. 1480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MOTION

Mr. Ebersole moved that the Committee on Rules be relieved of Engrossed Substitute House Bill No. 2159 and that the bill be placed on the third reading calendar. The motion was carried.

MOTION

Mr. Padden moved that the Committee on Rules be relieved of House Bill No. 1537 and that the bill be placed on the third reading calendar.

POINT OF ORDER

Mr. Ebersole: Mr. Speaker, we are not on the eighth order of business. Do not the rules state explicitly that we have to be on the eighth order of business?

SPEAKER'S RULING

The Speaker: House Rule 15(A)(1): "By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house." Representative Ebersole, your point is well taken. Representative Padden, your motion is out of order.

POINT OF PARLIAMENTARY INQUIRY

Mr. Padden: Mr. Speaker, you just allowed a bill to be pulled from the Committee on Rules and, based on that precedent, I was asking to relieve the committee of another bill, since you had just done that.

SPEAKER'S REPLY

The Speaker: Did somebody raise a point of order on another bill that we had before us?

POINT OF PARLIAMENTARY INQUIRY

Ms. Brough: Mr. Speaker, it is my understanding that we just pulled Engrossed Substitute House Bill No. 2159 from the Committee on Rules and placed it on the calendar. Can you tell me on which order of business we did this?

SPEAKER'S REPLY

The Speaker: Sixth order of business.

POINT OF PARLIAMENTARY INQUIRY

Ms. Brough: Mr. Speaker, it is appropriate to do this on the sixth order of business?

SPEAKER'S REPLY

The Speaker: No. If somebody would have raised a point of order, it would have been inappropriate.

POINT OF PARLIAMENTARY INQUIRY

Ms. Brough: Mr. Speaker, have we voted on this motion, to bring the bill to the floor? It was my understanding that the Representative, who made the motion to also bring out House Bill No. 1537, did this in conjunction, basically as an amendment to the proposal that we bring Engrossed Substitute House Bill No. 2159 to the floor.

SPEAKER'S REPLY

The Speaker: No, the Journal would show that Representative Ebersole made the motion; we voted on it; I banged the gavel; I recognized Representative Padden; he made the motion. Representative Ebersole raised the point of order; his point was well taken.

POINT OF PARLIAMENTARY INQUIRY

Ms. Brough: Mr. Speaker, may I ask one more question? Have we now established a precedent that we can make a motion on the sixth order of business?

SPEAKER'S REPLY

The Speaker: Absolutely not.

POINT OF PARLIAMENTARY INQUIRY

Ms. Brough: Mr. Speaker, have we established a precedent that your part of the aisle can make a motion on the sixth order of business?

SPEAKER'S REPLY

The Speaker: Absolutely not.

POINT OF PARLIAMENTARY INQUIRY

Ms. Brough: I would maintain that Engrossed Substitute House Bill No. 2159 is really in the Committee on Rules where it has been up until now, because we are not on the proper order of business to move it to the floor.

SPEAKER'S REPLY

The Speaker: Your objection would be well taken if it were timely. You are not timely, Representative Brough.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2159, by Committee on Health Care (originally sponsored by Representatives Braddock, Anderson, P. King, Morris, Brekke and Phillips)

Creating the Washington state health commission.

The bill was read the third time and placed on final passage.

Representatives Braddock, D. Sommers and Day spoke in favor of passage of the bill, and Representatives Brooks, Padden and Moyer opposed it. Mr. Brooks again spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2159, and the bill passed the House by the following vote: Yeas, 55; nays, 40; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Jacobsen, Jones, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers D, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 55.

Voting nay: Representatives Ballard, Baugher, Beck, Betrozoff, Bowman, Brooks, Brough, Brumstickle, Chandler, Dorn, Doty, Ferguson, Fuhrman, Hankins, Holland, Horn, Inslee, Jesernig, King P, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Schmidt, Silver, Smith, Tate, Van Luven, Walk, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 40.

Excused: Representatives Belcher, Schoon, Wang - 3.

Engrossed Substitute House Bill No. 2159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1910 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1910, by Representatives R. Fisher, Miller, Hine, Van Luven, McLean, H. Sommers, Anderson, Braddock, Belcher, Dellwo, Baugher, Basich, Leonard, Rust, Scott, Pruitt, Nelson, Winsley, Morris, Phillips, Raiter, G. Fisher, Sprengle and Brekke

Providing limitations on campaign contributions, voluntary limitations on campaign spending and partial public financing of campaigns.

The bill was read the second time. On motion of Ms. R. Fisher, Substitute House Bill No. 1910 was substituted for House Bill No. 1910, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1910 was read the second time.

Mr. Patrick moved adoption of the following amendment:

On page 1, strike everything after the enacting clause and insert:

*A new section is added to chapter 42.17 RCW to read as follows:

NEW SECTION. Sec. 1. The total amount of all contributions made by an contributor to any single candidate or the authorized committee of any single candidate during any election cycle shall not exceed one-half of one percent of the average sum expended for a race of the same type during the last general election in which such a race was held. The public disclosure commission shall calculate and establish limits by rule no later than twelve months prior to the date of the next general election. Any contribution by a person who is controlled by another person, shall be deemed to be a contribution from the controlling person."

Mr. Patrick spoke in favor of adoption of the amendment, and Ms. R. Fisher spoke against it. Mr. Patrick again spoke in favor of the amendment.

The amendment was not adopted.

Mr. Patrick moved adoption of the following amendment:

On page 21, following line 6, insert:

NEW SECTION. Sec. 24. No state official, including legislators, may mail to any person state funded non-solicited material which mentions the official by name or clearly identifies the official by photograph or reference. This section does not prohibit mailing non-solicited material that names an office but which does not name or otherwise identify the individual holding the office."

Correct internal references accordingly.

Mr. Patrick spoke in favor of adoption of the amendment, and Representatives R. Fisher, Heavey, Van Luven and Ebersole opposed it. Mr. Patrick again spoke in favor of the amendment.

Mr. Ebersole demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Patrick to Substitute House Bill No. 1910, and the amendment was not adopted by the following vote: Yeas, 2; nays, 93; excused, 3.

Voting yea: Representatives Nealey, Patrick - 2.

Voting nay: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Waik, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Belcher, Schoon, Wang - 3.

Ms. R. Fisher moved adoption of the following amendment by Representatives R. Fisher and Miller:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds and declares that:

(1) Campaign spending and the size of contributions to candidates for state offices have escalated to dangerous levels in recent years.

(2) Campaign spending, including independent expenditures for or against different candidates, and contributions to candidates are legitimate forms of participation in the American

political process, but the financial strength of certain individuals or organizations should not permit them to exercise a potentially corrupting influence on the governmental process.

(3) The rapidly increasing costs of political campaigns have forced many candidates to raise large percentages of money from special interest groups with a stake in various legislative and executive matters. This has caused the public perception that elected officials' decisions are being improperly influenced by campaign contributions. This perception is undermining the credibility and integrity of the electoral process and our system of government.

(4) The integrity of elections is essential to the very preservation of a free society.

(5) In the electoral process, the public interest as expressed through the ballot box should prevail over special and private interests.

(6) Restricting contributions to candidates for state offices, restricting the provision of the public benefit of section 28 of this act to those candidates who have voluntarily agreed to limit their campaign expenditures, and restricting the provision of limited public matching funds to those candidates who have voluntarily agreed to limit their campaign expenditures but who face one or more opponents who have refused to limit their expenditures is necessary to: (a) prevent corruption and the appearance of corruption; (b) dispel the public perception that well-funded special interests are improperly influencing the decisions of elected officials; (c) provide a basis for wealthy candidates to limit voluntarily their personal campaign spending so that there is no appearance of elections being bought; (d) promote the widest participation of the public in an open, honest, and effective electoral process, and ensure a representative democracy, where every citizen's vote has equal importance; (e) further free-speech values by using public money to enhance and enlarge public discussion and involvement regarding candidates' campaigns; (f) make more time available to candidates for discussing important public issues and give incumbents the opportunity to spend more time fulfilling the duties of elected office, and lessen the great drain on their time and energies due to the rigors of fundraising; and (g) increase public confidence and trust in the integrity of the electoral process and our system of government.

(7) Contribution limits alone without a voluntary mechanism to limit spending have led to the circumvention of contribution limits through, for example, the proliferation of political committees.

(8) Contribution limits and spending limits without some means of enabling candidates to respond to independent expenditures have led to those candidates being harmed by significant spending by independent interests, and therefore, a mechanism for candidates to respond to these significant expenditures is necessary. This mechanism is intended to enhance and enlarge free speech. Independent efforts will continue to have no limits placed on them.

CAMPAIGN EXPENDITURE LIMITATIONS AND MATCHING FUNDS

NEW SECTION, Sec. 2. The definitions under RCW 42.17.020 apply to sections 2 through 22 of this act except as modified by this section. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 2 through 22 of this act:

(1) 'Authorized committee' means the political committee authorized by a candidate, or by the state official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or state official.

(2) 'Bona fide political party' means an organization which has filed a valid certificate of nomination with the secretary of state under chapter 29.24 RCW or the governing body of the state organization of a major political party, as defined in RCW 29.01.090, which shall be the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party.

(3) 'Candidate' means an individual seeking nomination for election or seeking election to a state office. Such an individual shall be deemed to be seeking nomination for election or seeking election when the individual first:

(a) Announces publicly or files for the office;

(b) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for the office; or

(c) Gives his or her consent to another person to take on behalf of the individual any of the actions in (b) of this subsection.

(4) 'Caucus of the state legislature' means the caucus of the members of a major political party in the state house of representatives or in the state senate.

(5) 'Election cycle' means the period beginning on the first day of December following the date of the last previous general election for the office which the candidate seeks and ending on November thirtieth following the next election for the office. In the case of a special election to fill a vacancy in an office, 'election cycle' means the period beginning on the day the vacancy occurs and ending on November thirtieth following the special election.

(6) 'Eligible candidate' means a candidate for a state office who is eligible under sections 3 and 7 of this act to receive payments under this subchapter.

(7) 'General election' means the election which directly results in the election of a person to a state office. It does not include a primary.

(8) 'Immediate family' means a candidate's spouse, and any child, stepchild, grandchild, parent, stepparent, grandparent, brother, half-brother, sister, or half-sister of the candidate and the spouse of any such person and any child, stepchild, grandchild, parent, stepparent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse and the spouse of any such person.

(9) 'Independent expenditure' means an 'expenditure' as defined in RCW 42.17.020 which has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of a candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for any political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for any political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for any political advertising which either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies such candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of five hundred dollars or more. A sequence of expenditures each of which is under five hundred dollars shall constitute one independent expenditure as of the time that the last expenditure brings the total value of the sequence to five hundred dollars or more, and no expenditure in the sequence which has been reported to the commission under section 12 of this act shall be considered as part of any future independent expenditure.

(10) 'Major party' means a major political party as defined in RCW 29.01.090.

(11) 'Minor party' means a minor political party as defined in RCW 29.01.100.

(12) 'Multi-candidate political committee' means a political committee which, during a period of three calendar years: Receives contributions of twenty-five dollars or more from each of twenty-five or more persons; and makes contributions of at least twenty-five dollars to each of five or more candidates or to the authorized committees of five or more candidates.

(13) 'Primary' means the procedure for nominating a candidate to state office under chapter 29.18 or 29.21 RCW or any other primary for an election which uses, in large measure, the procedures established in chapter 29.18 or 29.21 RCW.

(14) 'Recall campaign' means the period of time beginning on the date of the filing of recall charges pursuant to RCW 29.82.015 and ending thirty days after the recall election.

(15) 'State campaign account' or 'account' means the election campaign account of this state established in section 14 of this act.

(16) 'State legislative office' means the office of a member of the state house of representatives and the office of a member of the state senate.

(17) 'State office' means the office of a member of the state legislature or of any elective state executive officer.

(18) 'State official' means a person who holds a state office.

NEW SECTION, Sec. 3. (1) To be eligible to receive payments under this subchapter (sections 2 through 17 of this act) a candidate shall:

(a) Identify the office sought by the candidate; and

(b) Agree in writing that the candidate and the authorized committee of the candidate:

(i) Will fully comply with the fair campaign practices code adopted by the commission as it now exists or is hereafter amended;

(ii) Have not made and will not make expenditures during the election cycle which exceed any expenditure limitation applicable to the candidate under section 4 of this act for the office sought by the candidate;

(iii) Will deposit all payments received under section 9 of this act in a separate checking account which shall contain only funds so received, and will make no expenditures of funds received under this section except by checks drawn on that account. The account shall be in a financial institution located in this state whose deposits are insured by the federal deposit insurance corporation, federal savings and loan insurance corporation, or national credit union administration;

(iv) Will furnish campaign records, evidence of contributions, and other appropriate information to the commission; and

(v) Will cooperate in the case of any audit and examination by the commission under section 15 of this act.

(2) The agreement required by subsection (1) of this section must be filed with the commission by the third business day after the candidate has first received during the election cycle contributions, less loan repayments, in an aggregate amount of:

(a) For a candidate for the office of governor, twenty-five thousand dollars;

(b) For a candidate for state executive office other than the office of governor, seven thousand five hundred dollars; and

(c) For a candidate for state legislative office, two thousand five hundred dollars.

Such aggregate contributions include both those which satisfy and those which do not satisfy the provisions of section 10 of this act.

(3) The provisions of this section shall not be construed as preventing a candidate from filing a statement of intent with the commission at any time. Such a statement shall include a promise signed by the candidate that the candidate has not and will not exceed the expenditure limitation applicable to the candidate under section 4 of this act.

(4) Nothing in this subchapter requires any candidate to apply for or accept public funding under section 9 or 11 of this act.

NEW SECTION. Sec. 4. (1) Except as provided in subsection (4) of this section, the expenditure limit for the election cycle for a candidate for state office who agrees to the limitations established in this subchapter is the greater of: (a) The base amount established for the office sought under subsection (2) of this section; or (b) the base amount plus the amount applicable to the candidate under subsection (3) of this section regarding independent expenditures.

(2) The base amount referred to in subsection (1) of this section is:

(a) For the office of governor, two million dollars;

(b) For state executive office other than the office of governor, seven hundred fifty thousand dollars;

(c) For state legislative office, forty thousand dollars.

(3) If, during the twelve months preceding the election in which the candidate is seeking office, independent expenditures by any person or persons aggregating more than an amount equal to ten percent of the base amount established in subsection (2) of this section for the office sought are made in opposition to the candidate or for any other candidate for the office sought by the candidate, the expenditure limitation applicable to the candidate (not the other candidate) during the election cycle shall be increased by an amount equal to the amount of the independent expenditures.

(4) A candidate for an office is not subject to an expenditure limitation under this subchapter, if during the election cycle another candidate for that office:

(a) Receives contributions, less any loan repayments, aggregating more than the amount listed in section 3(2) of this act for that office; and

(b) Has not filed with the commission the agreement for eligibility under section 3(1) of this act within three business days of receiving that aggregate amount in contributions.

NEW SECTION. Sec. 5. For the purposes of this subchapter:

(1) The expenditures made by and the contributions received by a candidate and the expenditures made by and the contributions received by the authorized committee of the candidate are considered to be expenditures made by and contributions received by the candidate.

(2) Payments made by a candidate to repay loans made to the candidate shall be reported but shall not be counted when determining the total expenditures made by the candidate and the candidate's authorized committee with regard to any of the expenditure limitations provided by this subchapter.

(3) A contribution received within the twelve-month period following a general election for a state office shall be considered to be a contribution during the election cycle for the state office ending with that election. This subsection only applies to the extent the contribution is used to pay any debt or obligation incurred to influence the outcome of that election or the primary conducted for that election.

NEW SECTION. Sec. 6. (1) The expenditure limitations imposed by this subchapter are limitations on a candidate's expenditures for the candidate's own campaign for state office.

(2) The provisions of this subchapter apply to a special election conducted to fill a vacancy in a state office. However, the contributions received by a candidate and the expenditures made by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations which apply to the candidate under this subchapter for the election cycle for any other election.

(3) An expenditure shall be considered to be an expenditure of the candidate if it is made by (a) the candidate or an authorized committee of the candidate; (b) a person who has received, expressly or impliedly, the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for any political advertising supporting the candidate or promoting the defeat of any other candidate or candidates for that office; or (c) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for any political advertising supporting the candidate or promoting the defeat of any other candidate or candidates for that office.

NEW SECTION. Sec. 7. (1) A candidate who receives, either directly or through the authorized committee of the candidate, a payment from the state campaign account for use during an election cycle shall not make, during the election cycle, expenditures from the personal funds of the candidate, or the funds contributed by any member of the immediate family of the candidate, aggregating in excess of the following:

(a) For a candidate for the office of governor, thirty thousand dollars;

(b) For a candidate for state executive office other than the office of governor, ten thousand dollars; and

(c) For a candidate for state legislative office, two thousand dollars.

For the purposes of this subsection, a loan by a candidate or a member of the immediate family of the candidate to the campaign of the candidate shall be considered to be a campaign expenditure by the candidate.

(2) A candidate who receives, either directly or through the authorized committee of the candidate, a payment from the state campaign account for use during the election cycle and the authorized committee of the candidate shall not make expenditures during the election cycle which in the aggregate exceed any expenditure limit applicable to the candidate under section 4 of this act.

NEW SECTION. Sec. 8. The threshold amounts established in section 3(2) of this act, the base amounts established in section 4(2) of this act, the amounts in section 7(1) of this act, and the campaign contribution limitations established in section 19 of this act shall be increased or decreased by the commission by rule at the beginning of each even-numbered year based on changes in economic conditions as reflected in the inflationary index used by the commission under RCW 42.17.370. The base year to be used for revisions made under this section is 1988.

NEW SECTION. Sec. 9. (1) Except as provided in subsections (3) and (4) of this section, an eligible candidate is entitled to payments from the state campaign account equal to:

(a) Four dollars for each qualifying dollar received by the candidate as a contribution for the campaign of the candidate; and

(b) The aggregate total amount of independent expenditures made or obligated to be made during the twelve months preceding the election by any person in opposition to the candidate or for any other candidate for the office sought by the candidate if that amount exceeds ten percent of the base amount established in section 4(2) of this act for the office sought.

A qualifying dollar is one which satisfies all of the provisions of section 10 of this act regarding contributions.

(2) Payments received by a candidate under this section shall be deposited as required in section 3(1)(b)(iii) of this act and shall be used to pay for goods and services furnished during the election cycle for which the payments were received. Such payments shall not be used:

(a) To make any payments, directly or indirectly, to the candidate or to any member of the immediate family of the candidate;

(b) To make any expenditure other than expenditures to further the nomination or election of the candidate; or

(c) To repay any loan to any person except to the extent the proceeds of such loan were used to further the nomination or election of the candidate.

(3) A candidate shall not be eligible to receive payments from the state campaign account for a primary or election for an office unless:

(a) At least one other candidate for the office sought by the candidate: (i) Has not filed an agreement for eligibility under section 3(1) of this act with the commission in a timely manner; and (ii) has received during the election cycle contributions, less loan repayments, which, in the aggregate, exceed twice the amount listed in section 3(2) of this act for the office sought. For the purposes of (a)(ii) of this subsection, 'contribution' does not include a contribution made by a candidate for state office; and

(b) The candidate and the authorized committee of the candidate have received contributions, less loan repayments, in an aggregate threshold amount of at least the amount listed in section 3(2) (a), (b), or (c) of this act for the office sought and all of the contributions received for this purpose satisfy the provisions of section 10 of this act.

(4) (a) Except as provided in (b) of this subsection, the sum of all payments from the state campaign account to a candidate for an election cycle may not exceed the following amounts for the office sought:

(i) For the office of governor, two hundred thousand dollars;

(ii) For state executive office other than the office of governor, sixty thousand dollars;

(iii) For state legislative office, twenty thousand dollars.

(b) If the expenditure limitation applicable to the candidate is increased under section 4(3) of this act as a result of independent expenditures, the amount listed for the office sought by the candidate in (a) of this subsection, as it applies to the candidate, shall be increased by an amount equal to those independent expenditures.

NEW SECTION. Sec. 10. For a contribution received by a candidate or the candidate's authorized committee to qualify as being one which satisfies the requirements of section 9(3)(b) of this act for raising a threshold amount of contributions or to qualify to be matched by public moneys from the state campaign account under section 9 of this act, the contribution must satisfy each of the following requirements:

(1) The contribution shall be a gift of money made by a written instrument which identifies the individual making the contribution;

(2) The contribution shall be made directly to the candidate or the candidate's authorized committee. Contributions made through any other person shall not qualify. The provisions of

this subsection do not disqualify money received through bona fide joint fund-raising efforts conducted solely for the purpose of sponsorship of a fund-raising reception, dinner, or other event, under rules prescribed by the commission, by: (a) Two or more candidates, or (b) one or more candidates and one or more national, state, or local committees of a political party acting on their own behalf:

(3) The contribution shall have come from an individual. However, the contribution shall not have come from a candidate for any office;

(4)(a) Of the total amount of all contributions made by a person to the candidate and the authorized committee of the candidate or for the benefit of the candidate, not more than the amount listed in (b) of this subsection for the office sought may be counted toward the threshold amount or be matched by moneys from the state campaign account. The provisions of this subsection shall not be construed as limiting the total amount of contributions that may be made by a person to or for the benefit of a candidate or that may be accepted by the candidate or the candidate's authorized committee from the person:

(b) The amount referred to in (a) of this subsection is: (i) For the office of governor, one thousand dollars; (ii) for state executive office other than the office of governor, five hundred dollars; and (iii) for state legislative office, two hundred dollars;

(c) For the purposes of this subsection (4), all contributions by one person who is controlled by any other person shall be considered to have been made by such other person. The provisions of this subsection (c) shall not be construed as applying to the relationship between an individual and the spouse of the individual:

(d) The provisions of section 21 (2) and (3) of this act apply in determining whether a person is controlled by any other person for the purposes of (c) of this subsection; and

(5) The contribution shall be received during the election cycle.

NEW SECTION, Sec. 11. A candidate desiring payments from the state campaign account shall file a request with the commission which shall contain:

(1) Such information and be made in accordance with such procedures as the commission may provide by rule; and

(2) A verification signed by the candidate and the treasurer of the authorized committee of the candidate stating that the information furnished in support of the request, to the best of the knowledge of each, is correct and fully satisfies the requirements of this subchapter.

No later than two business days after an eligible candidate files a request with the public disclosure commission to receive payments under this section, the commission shall determine whether the candidate is eligible to receive payments from the state campaign account and, if the candidate is eligible to receive such payments, disburse to the candidate from the account the full amount to which the candidate is entitled.

A candidate is not limited to filing only one request for payments under this section during each election cycle. After filing an original request, a candidate may file one or more supplemental requests to receive the payments to which the candidate is entitled.

The commission may permit its executive director to approve requests submitted under this section and make the disbursements authorized by this subchapter on behalf of the commission and within guidelines adopted by the commission by rule.

NEW SECTION, Sec. 12. Within two days after the date of making an independent expenditure, the person making the expenditure shall file with the commission a report, on a form prescribed by the commission, providing the date and amount of the expenditure; what the expenditure purchased; the name of the candidate supported or opposed; the office sought by that candidate; and any other information which the commission believes will assist it in carrying out its responsibilities under this chapter.

NEW SECTION, Sec. 13. (1) The commission shall decide all applications for payment from the state campaign account. Each application shall be decided in accordance with rules adopted by the commission, and the commission's decision on the application shall be final unless appealed as provided in subsection (2) of this section. The commission's review of applications, and all actions taken by the commission on applications, shall be exempt from chapter 34.05 RCW.

(2) Any person adversely affected by the commission's decision and who believes the decision to be unlawful may appeal to the superior court of Thurston county by petition setting forth his or her reasons why the decision is unlawful. A copy of the petition on appeal together with a notice that an appeal has been taken shall be served upon the commission, upon the attorney general, and upon each candidate for the office sought by the applicant. The decision of the superior court shall be final. Such appeal shall be heard without costs to either party.

NEW SECTION, Sec. 14. The state election campaign account is hereby created in the custody of the state treasurer. All moneys appropriated to the commission for deposit in the account and all earnings or investments of balances in the account shall be credited to the account. Moneys may be disbursed from the account only in the form of payments to eligible candidates as authorized by this subchapter. Only the commission, or the commission's executive director if permitted to do so by rules adopted by the commission, may authorize disbursements from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for disbursements.

NEW SECTION. Sec. 15. (1) After each general election, the commission shall conduct such examinations and audits of the campaign accounts of eligible candidates and of authorized committees as are sufficient to determine, among other things, whether candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this subchapter.

(2) Within sixty days after the election cycle for which the payment was received, the candidate shall return to the commission any unexpended funds received by the candidate under this subchapter. The commission may adopt exceptions to this requirement for instances where debts are in dispute.

(3) Examinations and audits shall not be made by the commission under this section with respect to an election cycle more than three years after the cycle.

NEW SECTION. Sec. 16. (1) It is a violation of this chapter for any candidate to accept public payments under this subchapter which are in excess of the aggregate payments to which the candidate is entitled.

(2) It is a violation of this chapter for any candidate or for any officer, member, employee, or agent of a political committee for the candidate:

(a) To use or transfer funds for any purpose prohibited by section 9(2) of this act;

(b) To make expenditures which he or she knows exceed any expenditure limitation applicable under section 4 of this act;

(c) To provide false information under section 3 (1) or (2) of this act; or

(d) To violate the agreement under section 3(1)(b) of this act.

(3) It is a violation of this chapter for any person:

(a) To furnish to the commission under this subchapter any evidence, books, or information (including any certification, verification, notice, or report), which is false, fictitious, or fraudulent, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a payment by the commission or an examination and audit by the commission under this subchapter; or

(b) To fail to furnish to the commission any records, books, or information requested by it for purposes of this subchapter.

(4) It is a violation of this chapter for any person to accept any payment if the person knows, or has reason to know, that the payment is in violation of section 9(2) of this act.

NEW SECTION. Sec. 17. (1) The commission shall, as soon as practicable after each election, submit a full report to the governor and the legislature setting forth:

(a) The expenditures shown in such detail as the commission determines appropriate made by each eligible candidate and the authorized committee of each candidate;

(b) The amounts paid by the commission under section 11 of this act to each eligible candidate;

(c) The amount of any payments returned under section 15 of this act; and

(d) The balance in the state campaign account.

(2) The commission is authorized to prescribe such rules in accordance with chapter 34.05 RCW, to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this subchapter.

CAMPAIGN CONTRIBUTION LIMITATIONS

NEW SECTION. Sec. 18. Unless the context clearly requires otherwise, the definitions in section 2 of this act apply to this subchapter (sections 18 through 22 of this act). Unless the context clearly requires otherwise, the definitions in RCW 42.17.020 also apply to this subchapter except as they are modified by the definitions in section 2 of this act.

For the purposes of sections 18 through 22 of this act, 'contribution' does not include a loan, gift, payment, pledge, or transfer of anything of value owned by the candidate which is made by the candidate to the candidate's own authorized political committee.

NEW SECTION. Sec. 19. (1) No person, other than a multi-candidate political committee or a bona fide political party or a caucus of the state legislature, may make contributions during an election cycle which in the aggregate exceed: (a) Two thousand dollars to any candidate for state legislative office; or (b) five thousand dollars to any candidate for any state executive office. No candidate and no authorized committee of a candidate may accept contributions from a person which exceed the contribution limitations provided by this subsection for that person.

(2) No person, other than a multi-candidate political committee or a bona fide political party or a caucus of the state legislature, may make contributions during a recall campaign which in the aggregate exceed: (a) Two thousand dollars to any state legislator against whom recall charges have been filed or to any political committee having the expectation of making expenditures in support of the recall of any state legislator; or (b) five thousand dollars to any state executive officer against whom recall charges have been filed or to any political committee having the expectation of making expenditures in support of the recall of such a state executive officer. No state official against whom recall charges have been filed, no authorized committee of such an official, and no political committee having the expectation of making

expenditures in support of the recall of any state official may accept contributions from a person which exceed the contribution limitation provided by this subsection for that person.

(3) No multi-candidate political committee may make contributions during an election cycle which in the aggregate exceed: (a) Three thousand dollars to any candidate for state legislative office; or (b) seven thousand five hundred dollars to any candidate for any state executive office. No candidate and no authorized committee of a candidate may accept contributions from a multi-candidate political committee which exceed the contribution limitation provided by this subsection for that multi-candidate political committee.

(4) No multi-candidate political committee may make contributions during a recall campaign which in the aggregate exceed: (a) Three thousand dollars to any state legislator against whom recall charges have been filed or to any political committee having the expectation of making expenditures in support of the recall of any state legislator; or (b) seven thousand five hundred dollars to any state executive officer against whom recall charges have been filed or to any political committee having the expectation of making expenditures in support of the recall of such a state executive officer. No state official against whom recall charges have been filed, no authorized committee of such an official, and no political committee having the expectation of making expenditures in support of the recall of any state official may accept contributions from a multi-candidate political committee which exceed the contribution limitation provided by this subsection for that multi-candidate political committee.

(5) No bona fide political party and no caucus of the state legislature may make contributions during an election cycle which in the aggregate exceed: (a) Five thousand dollars to any candidate for state legislative office; or (b) ten thousand dollars to any candidate for any state executive office. No candidate and no authorized committee of a candidate may accept contributions from a bona fide political party or from a caucus of the state legislature which exceed the contribution limitation provided by this subsection for that party or caucus.

(6) No bona fide political party and no caucus of the state legislature may make contributions during a recall campaign which in the aggregate exceed: (a) Five thousand dollars to any state legislator against whom recall charges have been filed or to any political committee having the expectation of making expenditures in support of the recall of any state legislator; or (b) ten thousand dollars to any state executive officer against whom recall charges have been filed or to any political committee having the expectation of making expenditures in support of the recall of such a state executive officer. No state official against whom recall charges have been filed, no authorized committee of such an official, and no political committee having the expectation of making expenditures in support of the recall of any state official may accept contributions from a bona fide political party or from a caucus of the state legislature which exceed the contribution limitation provided by this subsection for that party or caucus.

(7) For the purposes of this subchapter, a contribution to the authorized political committee of a candidate, or of a state official against whom recall charges have been filed, shall be considered to be a contribution to the candidate or state official.

(8) Any contribution received within the twelve-month period following a general election for a state office or for a recall election concerning a state office shall be considered to be a contribution during the election cycle ending with that election or during that recall campaign if the contribution is used to pay any debt or obligation incurred to influence the outcome of that election or the primary conducted for that election or of that recall campaign.

(9)(a) The contributions allowed by subsection (2) of this section are in addition to those allowed by subsection (1) of this section, the contributions allowed by subsection (4) of this section are in addition to those allowed by subsection (3) of this section, and the contributions allowed by subsection (6) of this section are in addition to those allowed by subsection (5) of this section.

(b) The provisions of this subchapter apply to a special election conducted to fill a vacancy in a state office. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations which apply to the candidate or to contributions made to the candidate under this subchapter for any other primary or election.

(10) No state legislator, or authorized political committee for such legislator, may, during the course of a regular session of the legislature, accept a campaign contribution for a state legislative office from any person. The provisions of this subsection do not apply during a recall campaign to a state legislator against whom recall charges have been filed pursuant to RCW 29.82.015.

NEW SECTION. Sec. 20. Children under eighteen years of age may make contributions to the extent authorized in section 19 of this act only if:

(1) The decision to contribute is made knowingly and voluntarily by the child;

(2) The funds, goods, or services contributed are owned or controlled exclusively by the child, such as income earned by the child, the proceeds of a trust for which the child is the beneficiary, or a savings account opened and maintained exclusively in the child's name; and

(3) The contribution is not made from the proceeds of a gift, the purpose of which was to provide funds to be contributed, or is not in any other way controlled by another individual.

NEW SECTION. Sec. 21. (1) For the purposes of the contribution limitations in section 19 of this act: All contributions by any person who is controlled by any other person shall be considered to have been made by such other person. The provisions of this section shall not be construed as applying to the relationship between an individual and the spouse of the individual or to the relationship between a bona fide political party and any district or county organization of that party or a caucus of the state legislature of the members of that party.

(2) Without in any manner limiting its scope and effect, the general rule under subsection (1) of this section or under section 10(4)(c) of this act means that:

(a) Any contribution by a subsidiary, branch, division, department, or local unit of any association shall be considered to have been made by the association; and

(b) Any contribution by a political committee controlled by any person shall be considered to be a contribution by that person.

(3) In determining whether a person is controlled by any other person for the purposes of subsection (1) of this section, the following shall, if applicable, be considered:

(a) Ownership of a controlling interest in voting shares or securities;

(b) Provisions of bylaws, articles of incorporation, charters, constitutions, or other documents by which one person has the authority, power, or ability to direct another;

(c) The authority, power, or ability to hire, appoint, discipline, discharge, demote, or remove or influence the decision of the officers or members of an entity;

(d) Similar patterns of contributions; and

(e) The extent of the transfer of funds between the persons.

NEW SECTION. Sec. 22. All contributions made by a person, either directly or indirectly, to a candidate, to a state official against whom recall charges have been filed, or to a political committee expecting to make expenditures in support of the recall of a state official shall be considered to be contributions from such person to the candidate, state official, or political committee, as shall contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to the candidate, state official, or political committee. For purposes of this section, 'earmarked' means a designation, instruction, or encumbrance, whether direct or indirect, express or implied, or oral or written, which is intended to result in or which does result in all or any part of a contribution being made to a certain candidate or state official. If a conduit or intermediary exercises any direction or control over the choice of the recipient candidate or state official, the contribution shall be considered to be by both the original contributor and the conduit or intermediary.

NEW SECTION. Sec. 23. A new section is added to chapter 42.17 RCW to read as follows:

A contribution received by a candidate or political committee which is returned to the contributor within five days of the date on which it is received by the candidate or committee is not a contribution for the purposes of this chapter.

Sec. 24. Section 39, chapter 1, Laws of 1973 and RCW 42.17.390 are each amended to read as follows:

(1) One or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(a) If the court finds that the violation of any provision of this chapter by any candidate or political committee probably affected the outcome of any election, the result of said election may be held void and a special election held within sixty days of such finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(b) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this chapter, his registration may be revoked or suspended and he may be enjoined from receiving compensation or making expenditures for lobbying: PROVIDED, HOWEVER, That imposition of such sanction shall not excuse said lobbyist from filing statements and reports required by this chapter.

(c) Any person who violates any of the provisions of this chapter may be subject to a civil penalty of not more than ten thousand dollars for each such violation. However, for the following violations, the penalty shall be as follows:

(i) For violations of section 16(1) of this 1989 act, up to the greater of ten thousand dollars or the amount in excess of the aggregate payments to which the candidate is entitled;

(ii) For violations of section 16(2)(a) of this 1989 act, up to the greater of ten thousand dollars or the amount used or transferred for a prohibited purpose;

(iii) For violations of section 16(2)(b) of this 1989 act, up to the greater of ten thousand dollars or the amount of the expenditures in excess of the applicable expenditure limitation;

(iv) For violations of section 16(4) of this 1989 act, up to the greater of ten thousand dollars or the amount of the payment in violation of section 9(2) of this 1989 act; and

(v) For violations of section 19 of this 1989 act, up to the greater of ten thousand dollars or the amount of the contribution illegally made or accepted.

(d) Any person who fails to file a properly completed statement or report within the time required by this chapter may be subject to a civil penalty of ten dollars per day for each day each such delinquency continues.

(e) Any person who fails to report a contribution or expenditure may be subject to a civil penalty equivalent to the amount he failed to report.

(f) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein.

NEW SECTION, Sec. 25. Contributions made and received prior to the effective date of this section shall not be considered to be contributions under the provisions of sections 18 through 23 of this act and section 24, chapter ... Laws of 1989 (section 24 of this act).

NEW SECTION, Sec. 26. Contributions received prior to March 31, 1990, shall not be considered to be contributions under the provisions of sections 2 through 17 of this act.

NEW SECTION, Sec. 27. A new section is added to chapter 34.05 RCW to read as follows:

This chapter shall not apply to any action taken by the public disclosure commission under section 13 of this act on applications for payments from the state campaign account.

NEW SECTION, Sec. 28. A new section is added to chapter 29.80 RCW to read as follows:

The secretary of state shall secure from the public disclosure commission a list of the names of candidates for state legislative and state executive offices who have agreed to limit their expenditures under section 3 of this act. The secretary shall add a notice in the candidates' pamphlet following the statement of each person on that list indicating that the candidate has so agreed. The secretary shall use the most current list available from the commission on the last date on which the secretary will accept statements for publication.

NEW SECTION, Sec. 29. The public disclosure commission shall, on an annual basis, estimate the funding needed to provide public matching moneys for election campaigns under sections 2 through 17 of this act. Each annual estimate shall identify funding needs for each of the successive four years. The commission shall transmit its estimate to the legislature on December 20th of each year.

NEW SECTION, Sec. 30. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 31. Sections 1, 2, and 18 through 25 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION, Sec. 32. Sections 3 through 7, 9 through 13, 15 through 17, 27, and 28 of this act shall take effect July 1, 1990.

NEW SECTION, Sec. 33. Sections 2 through 16 and 29 of this act shall be added to chapter 42.17 RCW as a subchapter and codified with the subchapter heading of 'campaign expenditure limitations and matching funds.'

NEW SECTION, Sec. 34. Sections 18 through 22 of this act shall be added to chapter 42.17 RCW as a subchapter and codified with the subchapter heading of 'campaign contribution limitations.'

The Clerk read the following amendment by Representative Patrick to the amendment:

On page 1 of the amendment, strike everything after line 5 and insert:

"A new section is added to chapter 42.17 RCW to read as follows:

NEW SECTION, Sec. 1. The total amount of all contributions made by any contributor to any single candidate or the authorized committee of any single candidate during any election cycle shall not exceed one-half of one percent of the average sum expended for a race of the same type during the last general election in which such a race was held. The public disclosure commission shall calculate and establish limits by rule no later than twelve months prior to the date of the next general election. Any contribution by a person who is controlled by another person, shall be deemed to be a contribution from the controlling person."

With consent of the House, Representative Patrick withdrew the amendment.

Ms. Walker moved adoption of the following amendment by Representatives Walker, Brough, Chandler and Ballard to the amendment:

On page 19 of the amendment, following line 6, insert:

"(11) Any person or organization who encourages or coordinates any group voluntary campaign services such as doorbellring, phoning, or other campaign activities commonly done by volunteers shall report to the commission all costs incurred in organizing the event, including the cost or value of any prizes used to encourage participation. The person or organization shall inform the commission of the name and address of all participants who do not reside within the boundaries of the office being sought or within the area impacted by the ballot issue being addressed."

Ms. Walker spoke in favor of adoption of the amendment to the amendment, and Ms. R. Fisher opposed it.

Ms. Brough demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Walker and others to the amendment to Substitute House Bill No. 1910, and the amendment to the amendment was not adopted by the following vote: Yeas, 37; nays, 58; excused, 3.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Dorn, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Holland, Horn, Jesernig, May, McLean, Meyers R, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Wolfe, Wood, Youngsman - 37.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Haugen, Heavey, Hine, Inslee, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 58.

Excused: Representatives Belcher, Schoon, Wang - 3.

Ms. Brough moved adoption of the following amendment to the amendment:

On page 19 of the amendment, following line 6, insert:

"(11) No candidate or political committee shall transfer funds to any other candidate or political committee."

Ms. Brough spoke in favor of adoption of the amendment to the amendment.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Ms. R. Fisher spoke against adoption of the amendment to the amendment.

POINT OF INQUIRY

Ms. Brough yielded to question by Mr. Heavey.

Mr. Heavey: I have two questions, Representative Brough. Does a political committee include the Republican Caucus?

Ms. Brough: Or Democrat Caucus? Yes.

Mr. Heavey: Would political committees include political action committees such as United for Washington and Sierra Club and United Negro Fund? What are political committees? That is what I am asking.

Ms. Brough: A group of people, that raises money and then, in turn, gives it to candidates--basically what we refer to as PACs--are not political committees. They are political action committees. They do collectively raise money and then focus it. I would maintain that once they give that money to a candidate, that that candidate should not shift it to another campaign.

Mr. Heavey spoke against adoption of the amendment to the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Brough to the amendment to Substitute House Bill No. 1910, and the amendment to the amendment was not adopted by the following vote: Yeas, 42; nays, 53; excused, 3.

Voting yea: Representatives Basich, Beck, Betrozoff, Bowman, Bristow, Brooks, Brough, Brumsickle, Chandler, Crane, Dorn, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Haugen, Holland, Horn, Jesernig, Jones, Kremen, Locke, May, McLean, Meyers R, Morris, Moyer, Nealey, Nelson, Padden, Patrick, Silver, Smith, Sommers D, Tate, Todd, Walker, Winsley, Wolfe, Wood, Youngsman - 42.

Voting nay: Representatives Anderson, Appelwick, Ballard, Baugher, Braddock, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Heavey, Hine, Inslee, Jacobsen, King P, King R, Leonard, Miller, Myers H, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Sommers H, Spanel, Sprenkle, Valle, Van Luven, Vekich, Walk, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 53.

Excused: Representatives Belcher, Schoon, Wang - 3.

Representative Belcher appeared at the bar of the House.

The Clerk read the following amendment to the amendment by Representative Patrick:

On page 21 of the amendment, following line 2, insert:

"NEW SECTION, Sec. 24. No state official, including legislators, may mail to any person state funded non-solicited material which mentions the official by name or clearly identifies the official by photograph or reference. This section does not prohibit mailing non-solicited material that names an office but which does not name or otherwise identify the individual holding the office."

Correct internal references accordingly.

With consent of the House, Representative Miller withdrew the amendment.

The Clerk read the following amendment by Representative Fuhrman to the amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 1, Laws of 1973 as amended by section 1, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.010 are each amended to read as follows:

It is hereby declared by the sovereign people to be the public policy of the state of Washington:

(1) That political campaign and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is to be avoided.

(2) That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty, and fairness in their dealings, free from bias caused by large corporate and organizational campaign contributions.

(3) That public perception of a state government dominated by the influence of large, moneyed organizations defeats feelings of individual voter efficacy and is thereby detrimental to the democratic form of government, and that limitations on organizational contributions to state election campaigns are necessary to reduce the ability of organizations to obtain disproportionate influence over the actions and decisions of state government officials.

(4) That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interest.

~~((4))~~ (5) That our representative form of government is founded on a belief that those entrusted with the offices of government have nothing to fear from full public disclosure of their financial and business holdings, provided those officials deal honestly and fairly with the people.

~~((5))~~ (6) That public confidence in government at all levels is essential and must be promoted by all possible means.

~~((6))~~ (7) That public confidence in government at all levels can best be sustained by assuring the people of the impartiality and honesty of the officials in all public transactions and decisions.

~~((7))~~ (8) That the concept of attempting to increase financial participation of individual contributors in political campaigns is encouraged by the passage of the Revenue Act of 1971 by the Congress of the United States, and in consequence thereof, it is desirable to have implementing legislation at the state level.

~~((8))~~ (9) That the concepts of disclosure and limitation of election campaign financing are established by the passage of the Federal Election Campaign Act of 1971 by the Congress of the United States, and in consequence thereof it is desirable to have implementing legislation at the state level.

~~((9))~~ (10) That small contributions by individual contributors are to be encouraged ~~(and that not requiring the reporting of small contributions may tend to encourage such contributions).~~

~~((10))~~ (11) That the public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private.

~~((11))~~ (12) That, mindful of the right of individuals to privacy and of the desirability of the efficient administration of government, full access to information concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to the sound governance of a free society.

The provisions of this chapter shall be liberally construed to promote complete disclosure of all information respecting the financing of political campaigns and lobbying, and the financial affairs of elected officials and candidates, and full access to public records so as to assure continuing public confidence of fairness of elections and governmental processes, and so as to assure that the public interest will be fully protected. In promoting such complete disclosure, however, this chapter shall be enforced so as to insure that the information disclosed will not be misused for arbitrary and capricious purposes and to insure that all persons reporting under this chapter will be protected from harassment and unfounded allegations based on information they have freely disclosed.

Sec. 2. Section 2, chapter 1, Laws of 1973 as last amended by section 5, chapter 34, Laws of 1984 and RCW 42.17.020 are each amended to read as follows:

(1) 'Agency' includes all state agencies and all local agencies. 'State agency' includes every state office, department, division, bureau, board, commission, or other state agency. 'Local agency' includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) 'Ballot proposition' means any 'measure' as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) 'Campaign depository' means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) 'Campaign treasurer' and 'deputy campaign treasurer' mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) 'Candidate' means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) 'Caucus of the state legislature' means the caucus of the members of a major political party in the state house of representatives or in the state senate.

(7) 'Commercial advertiser' means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

~~((7))~~ (8) 'Commission' means the agency established under RCW 42.17.350.

~~((8))~~ (9) 'Compensation' unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term 'compensation' shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

~~((9))~~ (10) 'Continuing political committee' means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign. 'Continuing political committee' includes an organization not established in anticipation of a particular election campaign, whose primary purpose, or one of whose primary purposes is the support of, or opposition to, a candidate for election to public office or a ballot proposition. The support of, or opposition to, candidates for public office or ballot propositions is a primary purpose of an organization if:

(a) In two or more of the previous four calendar years the organization received contributions in excess of ten thousand dollars based in any part upon the organization's support for, or opposition to, a candidate for election or a ballot proposition; or

(b) The organization has made expenditures in support of, or in opposition to, a candidate for election or a ballot proposition in two of the previous four calendar years exceeding twenty percent of its total expenditures during any two of the calendar years or five thousand dollars, whichever is less.

~~((10))~~ 'Contribution' includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of 'part-time' personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of twenty-five dollars personally paid for by the worker. 'Part-time' services, for the purposes of this chapter, means services in addition to regular full-time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution.))

(11) 'Corporation' includes any private or public corporation, whether for profit or not for profit, and any partnership, joint venture, bank, trust company, savings and loan association or company, insurance company, reciprocal or interinsurance exchange, railroad company,

cemetery company, government-regulated cooperative, stock company, or abstract and title company.

((12)) 'Earmarked' means a designation, instruction, or encumbrance, whether direct or indirect, express or implied, or oral or written, that is intended to result in or that does result in all or any part of a contribution being made to a candidate, elected official, or ballot proposition.

((13)) 'Elected official' means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

((14)) 'Election' includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

((15)) 'Election campaign' means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

((16)) 'Election cycle' means the period beginning on the first day of December following the date of the last previous general election for the office or seat which the candidate seeks and ending on November thirtieth following the next general election for the office or seat. In the case of a special election to fill a vacancy in an office, 'election cycle' means the period beginning on the day the vacancy occurs and ending on November thirtieth following the special election.

((17)) 'Expenditure' includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term 'expenditure' also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. The term 'expenditure' also includes the total cost or fair market value of any discrete activity, including, but not limited to, a presentation in support of, or in opposition to, a candidate or ballot proposition where the presentation is made by a paid spokesperson and also includes a solicitation for funds for the organization paying the spokesperson, when a portion of the activity is intended to either influence a campaign for, or in opposition to, a ballot proposition or candidate for election to public office. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term 'expenditure' shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported, or payment of service charges against a political committee's campaign account.

((18)) 'Final report' means the report described as a final report in RCW 42.17.080(2).

((19)) 'Immediate family' includes the spouse, dependent children, and other dependent relatives, if living in the household.

((20)) 'Labor organization' means a trade association or an organization, agency, association, union, or employee committee that exists for the purpose, in whole or in part, of representing employees in dealings with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

((21)) 'Legislation' means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

((22)) 'Lobby' and 'lobbying' each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure act(s), chapter ((34-04)) 34.05 RCW ((and chapter 28B-19 RCW)).

((23)) 'Lobbyist' includes any person who lobbies either in his own or another's behalf.

((24)) 'Lobbyist's employer' means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

((25)) 'Person' includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, caucus of the state legislature, political party, executive committee thereof, or any other organization or group of persons, however organized.

((26)) 'Person in interest' means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term 'person in interest' means and includes the parent or duly appointed legal representative.

((23)) (27) 'Political advertising' includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

((24)) (28) 'Political committee' means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

((25)) (29) 'Public office' means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

((26)) (30) 'Public record' includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

((27)) (31) 'Surplus funds' mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, 'surplus funds' mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

((28)) (32) 'Writing' means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

NEW SECTION. Sec. 3. (1) 'Contribution' includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of volunteer services, or incidental expenses personally incurred by volunteer campaign workers not in excess of twenty-five dollars personally paid for by the worker volunteer. 'Volunteer', for the purposes of this chapter, means a person who provides services or labor for which the person is not compensated and performed outside the person's normal employment hours, if any. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. An expenditure of funds by a nonprofit organization made on behalf of, or in opposition to, a candidate for election to public office, or on behalf of, or in opposition to, a ballot proposition, is, when made to a third party who is not an agent or employee of the nonprofit organization making the expenditure, an 'expenditure' rather than a 'contribution' under this chapter. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution.

(2) The contribution of a person controlled by any other person constitutes a contribution by the controlling person.

(3) A contribution to a person controlled by another person constitutes a contribution to the controlling person.

(4) In determining whether a person is controlled by any other person for the purposes of subsection (2) or (3) of this section, the following shall, if applicable, be considered:

(a) Ownership of a controlling interest in voting shares or securities;

(b) Provisions of bylaws, articles of incorporation, charters, constitutions, or other documents by which one person has the authority, power, or ability to direct another;

(c) The authority, power, or ability to hire, appoint, discipline, discharge, demote, remove, or influence the decision of the officers or members of an entity;

(d) Similar patterns or contributions; and

(e) The extent of the transfer of funds between the persons.

(5) A contribution received by a candidate or political committee which is returned to the contributor within five days of the date on which it is received by the candidate or committee is not a contribution for the purposes of this chapter.

NEW SECTION. Sec. 4. During the period beginning on the fifteenth day before the date a regular legislative session convenes and continuing fifteen days past the date of final adjournment, and during the period beginning on the date a special legislative session convenes and continuing through the date that session adjourns, no state-wide elected official or state legislator may solicit contributions to any campaign fund or political committee other than to the

campaign fund or political committee of a caucus of the state legislature. This prohibition does not apply: (1) To extraordinary legislative sessions held after the close of a filing period for legislative office and before a general election; or (2) to solicitations by a state legislator directed only to district constituents of the soliciting legislator.

NEW SECTION. Sec. 5. During the period beginning on the fifteenth day before the date a regular legislative session convenes and continuing fifteen days past the date of final adjournment, and during the period beginning on the date a special legislative session convenes and continuing through the date that session adjourns, no state-wide elected official, legislator, or political committee for such state-wide official or legislator, may knowingly accept from any person registered with the commission as a lobbyist any contribution to any campaign fund or political committee other than the campaign fund or political committee of a caucus of the legislative members of a major political party.

Sec. 6. Section 3, chapter 336, Laws of 1977 ex. sess. as amended by section 8, chapter 147, Laws of 1982 and RCW 42.17.095 are each amended to read as follows:

(1) No candidate or political committee shall transfer funds to any other candidate or political committee.

(2) The surplus funds of a candidate, or of a political committee supporting or opposing a candidate, may only be disposed of in any one or more of the following ways:

~~((1))~~ (a) Return the surplus to a contributor in an amount not to exceed that contributor's original contribution;

~~((2))~~ Transfer the surplus to the candidate's personal account as reimbursement for lost earnings incurred as a result of that candidate's election campaign. Such lost earnings shall be verifiable as unpaid salary or, when the candidate is not salaried, as an amount not to exceed income received by the candidate for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the candidate or the candidate's political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090;

~~((3))~~ (b) Transfer the surplus to ((one or more candidates or to)) a political ((committee or)) party;

~~((4))~~ (c) Donate the surplus to a charitable organization registered in accordance with chapter 19.09 RCW;

~~((5))~~ (d) Transmit the surplus to the state treasurer for deposit in the general fund; or

~~((6))~~ (e) Hold the surplus in the campaign depository or depositories designated in accordance with RCW 42.17.050 for possible use in a future election campaign, for ((political activity, for community activity, or for nonreimbursed public office related expenses)) the same office last sought by the candidate and report any such disposition in accordance with RCW 42.17.090. PROVIDED, That if the candidate subsequently announces or publicly files for office, information as appropriate is reported to the commission in accordance with RCW 42.17.040 through 42.17.090. If a subsequent office is not sought the surplus held shall be disposed of in accordance with the requirements of this section.

Sec. 7. Section 1, chapter 176, Laws of 1983 as last amended by section 2, chapter 228, Laws of 1986 and RCW 42.17.105 are each amended to read as follows:

(1) Campaign treasurers shall prepare and deliver to the commission a special report regarding any contribution or expenditure which:

(a) Exceeds five hundred dollars;

(b) Is from a single person or entity;

(c) Is received or made before a primary or general election; and

(d) Is received or made: (i) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (ii) within twenty-one days preceding that general election.

(2) Any political committee making a contribution which exceeds five hundred dollars shall also prepare and deliver to the commission the special report if the contribution is made before a primary or general election and: (a) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (b) within twenty-one days preceding that general election.

(3) Except as provided in subsection (4), the special report required by this section shall be delivered in written form, including but not limited to mailgram, telegram, or nightletter. The special report required by subsection (1) shall be delivered to the commission within forty-eight hours of the time, or on the first working day after, the contribution is received or the expenditure is made by the candidate or campaign treasurer. The special report required by subsection (2) of this section and RCW 42.17.175 shall be delivered to the commission, and the candidate or political committee to whom the contribution is made, within twenty-four hours of the time, or on the first working day after, the contribution is made.

(4) The special report may be transmitted orally by telephone to the commission to satisfy the delivery period required by subsection (3) if the written form of the report is also mailed to the commission and postmarked within the delivery period established in subsection (3).

(5) The special report shall include at least:

- (a) The amount of the contribution or expenditure;
- (b) The date of receipt or expenditure;
- (c) The name and address of the donor;
- (d) The name and address of the recipient; and
- (e) Any other information the commission may by rule require.

(6) Contributions and expenditures reported under this section shall also be reported as required by other provisions of this chapter.

(7) The commission shall publish daily a summary of the special reports made under this section and RCW 42.17.175.

~~((f)) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17.090 in the aggregate exceeding fifty thousand dollars for any campaign for state-wide office or exceeding five thousand dollars for any other campaign subject to the provisions of this chapter within twenty-one days of a general election. This subsection does not apply to contributions made by, or accepted from, a major political party as defined in RCW 29.01.090.))~~

NEW SECTION. Sec. 8. It is a violation of this chapter for any person knowingly to accept an earmarked contribution other than an earmarked contribution from a candidate for the benefit of that candidate.

NEW SECTION. Sec. 9. Except with respect to loans made in the ordinary course of business, no corporation or labor organization shall make a contribution reportable under RCW 42.17.090 or provide volunteer services that are excluded from the definition of a 'contribution' under section 3 of this act to any person, as that term is defined in RCW 42.17.020: PROVIDED, That nothing in this section shall prevent the establishment and utilization of a separate segregated fund established and funded in accordance with the provisions of 14 U.S.C. Sec. 441b.

Sec. 10. Section 13, chapter 1, Laws of 1973 as last amended by section 2, chapter 265, Laws of 1979 ex. sess. and RCW 42.17.130 are each amended to read as follows:

(1) No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to the following activities:

((†)) (a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as ((††)) (i) any required notice of the meeting includes the title and number of the ballot proposition, and ((†††)) (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

((††)) (b) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

((†††)) (c) Activities which are part of the normal and regular conduct of the office or agency.

(2) For purposes of this section, a state legislator's mailing at state expense of more than one thousand cumulative identical or nearly identical letters, brochures, or other pieces of literature in the twelve-month period preceding the expiration of his or her term, when not in response to a constituent request for a response or information, constitutes use of the facilities of a public office for the purpose of assisting a campaign.

NEW SECTION. Sec. 11. (1)(a) Except as otherwise provided in this section or in section 9 of this act, no person shall make contributions reportable under RCW 42.17.090:

(i) To any candidate for state office in the aggregate exceeding two thousand five hundred dollars for any campaign subject to the provisions of this chapter within a single election cycle;

(ii) To any caucus of the state legislature or political committee in the aggregate exceeding two thousand five hundred dollars in any single calendar year; or

(iii) To any political party in the aggregate exceeding five thousand dollars in any single calendar year.

(b) Notwithstanding (a) of this subsection, no major political party or caucus of the state legislature shall make contributions reportable under RCW 42.17.090:

(i) To any candidate for state-wide office in the aggregate exceeding two hundred fifty thousand dollars in a single election cycle;

(ii) To any candidate for the state senate in the aggregate exceeding twenty-five thousand dollars in a single election cycle; or

(iii) To any candidate for the state house of representatives in the aggregate exceeding twelve thousand five hundred dollars in a single election cycle.

(c) Notwithstanding (a) of this subsection, no political committee shall make contributions reportable under RCW 42.17.090 to any candidate, elected official, political party, caucus of the state legislature, or in the support of, or in opposition to a ballot proposition, in the aggregate exceeding one hundred dollars in any single calendar year.

(2) It is a violation of this chapter for any person, as that term is defined in RCW 42.17.020, to contribute, or for any person to accept, amounts in excess of the limitations imposed by this section.

(3) For purposes of the limitations provided by this section, all contributions made by political committees established, financed, maintained, or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other person, or by any group of such persons, shall be considered to have been made by a single political committee, except that nothing in this subsection shall limit transfers between political committees of funds raised through joint fund-raising efforts. In any case in which a corporation and any of its subsidiaries, branches, divisions, departments, or local units, or a labor organization and any of its subsidiaries, branches, divisions, departments, or local units establish, finance, maintain, or control more than one separate segregated fund, all such separate segregated funds shall be treated as a single separate segregated fund for purposes of the limitations provided by this section.

(4) For purposes of this section:

(a) Contributions to a named candidate made to any political committee authorized by such candidate to accept contributions on his or her behalf shall be considered to be contributions made to such candidate; and

(b) (i) Expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his or her authorized political committees, or their agents, shall be considered to be a contribution to such candidate; and

(ii) The financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his or her campaign committees, or their authorized agents shall be considered to be a contribution.

NEW SECTION. Sec. 12. No corporation or labor organization shall increase the salary of any officer or employee, or give an emolument to any officer, employee, or other person, with the intention that the increase in salary, or the emolument, or any part thereof, be contributed to support any candidate, ballot issue, political party, or political committee.

NEW SECTION. Sec. 13. At the beginning of each even-numbered calendar year, the commission shall increase or decrease the amounts of the campaign contribution limitations established in section 11 of this act based on changes in economic conditions as reflected in the inflationary index used by the commission under RCW 42.17.370. The limitations established by the commission pursuant to this section shall be rounded off by the commission to the nearest ten dollars. The base year to be used for revisions made under this section is 1989.

Sec. 14. Section 10, chapter 1, Laws of 1973 as last amended by section 6, chapter 367, Laws of 1985 and RCW 42.17.100 are each amended to read as follows:

(1) For the purposes of this section the term 'independent campaign expenditure' means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17.060, 42.17.065, 42.17.080, or 42.17.090.

(2) Within ~~((five days after the date of))~~ twenty-four hours after making an independent campaign expenditure that by itself or when added to all other such independent campaign expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within ((five days)) twenty-four hours after the date of making an independent campaign expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent campaign expenditure shall file with the commission and the county auditor of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a local ballot proposition, the county of residence for the person making the expenditure) an initial report of all independent campaign expenditures made during the campaign prior to and including such date.

(3) At the following intervals each person who is required to file an initial report pursuant to subsection (2) of this section shall file with the commission and the county auditor of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person making the expenditure) a further report of the independent campaign expenditures made since the date of the last report:

(a) On the twenty-first day preceding the primary and the seventh day preceding the date on which the election is held; and

(b) Within twenty-one days after the date of the election; and

(c) On the tenth day of each month in which no other reports are required to be filed pursuant to this section. However, the further reports required by this subsection (3) shall only be

filed if the reporting person has made an independent campaign expenditure since the date of the last previous report filed.

The report filed pursuant to paragraph (a) of this subsection (3) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

(4) All reports filed pursuant to this section shall be certified as correct by the reporting person.

(5) Each report required by subsections (2) and (3) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent campaign expenditure, and ending not more than ~~((five days))~~ twenty-four hours prior to the date the report is due:

(a) The name and address of the person filing the report;

(b) The name and address of each person to whom an independent campaign expenditure was made in the aggregate amount of twenty-five dollars or more, and the amount, date, and purpose of each such expenditure. If no reasonable estimate of the monetary value of a particular independent campaign expenditure is practicable, it is sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(c) The total sum of all independent campaign expenditures made during the campaign to date; and

(d) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter.

(6) An expenditure by a nonprofit organization for a financial solicitation, the proceeds of which are represented as benefiting, wholly or in part, a campaign for, or in opposition to, a candidate for election to public office or a ballot proposition, shall be reported in compliance with this section if not otherwise required to be reported under RCW 42.17.060, 42.17.065, 42.17.080, or 42.17.090. Reporting under this section does not excuse a person having the expectation of receiving contributions or making expenditures in support of, or in opposition to, a candidate for election or a ballot proposition from meeting any of the other requirements of this chapter for political committees.

NEW SECTION, Sec. 15. A new section is added to chapter 19.09 RCW to read as follows:

No political committee or continuing political committee may be given a special privilege or special access through the use of the state's property, mailings, or printed literature to solicit for charitable contributions from students at a state college or state university. No solicitation of students for charitable contributions may be made that uses such special privilege or access to the property, mailings, or printed literature unless the nonprofit organization benefiting from the solicitation is affiliated with the recognized student government entity at the campus and the solicitation is conducted in a manner assuring both the voluntary nature of contributions received and compliance with the disclosure provisions of this chapter. Where the proceeds of a solicitation that uses the tuition or fee billing process of a state institution of higher education may be used by the soliciting organization to influence legislation or used in the support of, or opposition to, a ballot proposition, the trustees or regents of the institution shall limit solicitations to voluntary requests for contributions after a vote of students likely to receive such a solicitation, the results of which demonstrate that a majority of those voting wish to be so solicited.

Sec. 16. Section 10, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 11, chapter 230, Laws of 1986 and RCW 19.09.100 are each amended to read as follows:

The following conditions apply to solicitations as defined by RCW 19.09.020:

(1) Each person or organization soliciting charitable contributions shall disclose orally or in writing to each person or organization solicited:

(a) The name of the individual making the solicitation;

(b) The name of the charitable organization;

(c) The purpose of the solicitation, and the name of the organization that will receive the funds contributed: ~~((and))~~

(d) Whether the charitable organization is or is not properly registered under this chapter, and if registered, that information relating to its financial affairs is available by contacting the office of the secretary of state, giving the secretary's toll-free telephone number, if available;

(e) Whether the individual making the solicitation is employed by an entity or person other than the organization in whose name the solicitation is being made and the actual percent of funds from the solicitation that will actually be received and controlled by the organization named as benefiting from the solicitation; further, if the solicitation is made by a nonprofit corporation other than the one named as benefiting from the solicitation, the name, location of the registered office, and the names of the members of the board of directors of the nonprofit corporation actually receiving the funds;

(f) Whether the person solicited will have the rights of membership as defined in RCW 19.09.020(9) and any limitations for serving as an officer or on the board of directors if such limits are contained in the organization's bylaws or articles of incorporation and limit such rights to any class of persons or limit such rights on the basis of race, religion, or sex; and

(g) Whether the funds solicited may be used for the influencing of legislation or the support of, or opposition to, a candidate for election to public office or any ballot proposition.

(2) Each person or organization soliciting charitable contributions shall conspicuously disclose in writing to each person or organization solicited:

(a) If the solicitation is conducted by a charitable organization, the percentage relationship between (i) the total amount of money applied to charitable purposes; and (ii) the dollar value of support received from solicitations and from all other sources received on behalf of the charitable purpose of the organization, as contained in the organization's most recent solicitation report filed in accordance with RCW 19.09.075(7);

(b) If the solicitation is conducted by an independent or nonprofit fund raiser, the percentage relationship between (i) the amount of money disbursed to charitable organizations for charitable purposes; and (ii) the total value of contributions received on behalf of charitable organizations by the independent or nonprofit fund raiser, as contained in the fund raiser's most recent solicitation report filed in accordance with RCW 19.09.079(7) or 19.09.078.

(3) Each person or organization soliciting charitable contributions by telephone shall make the disclosures required by RCW 19.09.100(2) (a) or (b) in writing within five days of the receipt of any contribution. If the person or organization sends any materials to the person or organization solicited before the receipt of any contribution, those materials shall include the disclosures required in RCW 19.09.100(1)(d), and 19.09.100 (2) (a) or (b), whichever is applicable.

(4) Each person or organization soliciting charitable contributions shall not represent orally or in writing that:

(a) The charitable contribution is tax deductible unless the charitable organization for which charitable contributions are being solicited or to which tickets for fund raising events or other services or goods will be donated, has applied for and received from the internal revenue service a letter of determination granting tax deductible status to the charitable organization;

(b) The person soliciting the charitable contribution is a volunteer or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor unless such person is unpaid for his or her services;

(c) The person soliciting the charitable contribution is a member, staffer, helper, or employee of the charitable organization or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor if the person soliciting is employed, contracted, or paid by an independent fund raiser.

(5) If the charitable organization is associated with, or has a name that is similar to, any unit of government each person or organization soliciting contributions shall disclose to each person solicited whether the charitable organization is or is not part of any unit of government and the true nature of its relationship to the unit of government.

(6) A charitable organization shall comply with all local governmental regulations that apply to soliciting for or on behalf of charitable organizations.

(7) The advertising material and the general promotional plan for a solicitation shall not be false, misleading, or deceptive, and shall afford full and fair disclosure.

(8) Solicitations shall not be conducted by a charitable organization or independent fund raiser that has, or if a corporation, its officers, directors, or principals have, been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years or has been subject to any permanent injunction or administrative order or judgment under RCW 19.86.080 or 19.86.090, involving a violation or violations of RCW 19.86.020, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations.

Failure to comply with subsections (1) through (8) of this section is a violation of this chapter.

Sec. 17, Section 6, chapter 336, Laws of 1977 ex. sess. as amended by section 7, chapter 367, Laws of 1985 and RCW 42.17.125 are each amended to read as follows:

(1) Contributions received and reported in accordance with RCW 42.17.060 through 42.17.090 may only be transferred to the personal account of a candidate, or of a campaign treasurer or other individual or expended for such individual's personal use under the following circumstances:

~~((1) Reimbursement for or loans to cover lost earnings incurred as a result of campaigning or services performed for the committee. Such lost earnings shall be verifiable as unpaid salary, or when the individual is not salaried, as an amount not to exceed income received by the individual for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the individual or the individual's political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.~~

(2)) (a) Reimbursement for direct out-of-pocket election campaign and postelection campaign related expenses made by the individual. To receive reimbursement from the political committee, the individual shall provide the committee with written documentation as to the amount, date, and description of each expense, and the committee shall include a copy of

such information when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

((3)) (b) Repayment of loans made by the individual to political committees, which repayment shall be reported pursuant to RCW 42.17.090.

(2) Contributions may not be used to reimburse a candidate for loans totalling more than two thousand five hundred dollars made by the candidate to the candidate's own campaign.

NEW SECTION, Sec. 18. Any contribution received after a general election shall be considered a contribution during the previous election cycle of the person accepting the contribution only to the extent that such contribution is used to pay any debt or obligation incurred to influence the outcome of that election.

Sec. 19. Section 9, chapter 112, Laws of 1975-'76 2nd ex. sess. as amended by section 5, chapter 147, Laws of 1982 and RCW 42.17.067 are each amended to read as follows:

(1) Fund-raising activities which meet the standards of subsection (2) of this section may be reported in accordance with the provisions of this section in lieu of reporting in accordance with RCW 42.17.080(3) as now or hereafter amended.

(2) A fund-raising activity which is to be reported in accordance with the provisions of this section shall conform with the following standards:

(a) The income resulting from the conduct of the activity is derived solely from either (i) the retail sale of goods or services at prices which in no case exceed a reasonable approximation of the fair market value of each item or service sold at the activity, or (ii) a gambling operation which is licensed, conducted, or operated in accordance with the provisions of chapter 9.46 RCW and at which in no case is the monetary value of any prize exceeded by the monetary value of any single wager which may be made by a person participating in such activity;

(b) No person responsible for receiving money at such activity may knowingly accept payment from a single person which would result in a profit to the committee ~~((of twenty-five dollars or more))~~ unless the name and address of the person making such payment together with the approximate amount of profit to the committee resulting from such payment are disclosed in the report filed pursuant to subsection (4) of this section; and

(c) Such other standards as shall be established by rule and regulation of the commission to prevent frustration of the purposes of this chapter.

(3) All funds obtained through the use of a fund-raising activity which conforms with the provisions of subsection (2) of this section shall be deposited within five business days of receipt by the campaign treasurer or deputy campaign treasurer in the same account into which contributions received by the committee are being deposited pursuant to RCW 42.17.060.

(4) At the time such funds are deposited in accordance with subsection (3) of this section, the campaign treasurer or deputy campaign treasurer making the deposit shall file with the commission a report of the fund-raising activity which shall contain the following information:

(a) The date on which the activity occurred;

(b) The location at which the activity occurred;

(c) A precise description of the fund-raising methods used in the activity;

(d) A financial statement noting gross receipts and expenses for the activity, including an inventory list where appropriate;

(e) The monetary value of wagers made and prizes distributed for winning wagers, where appropriate;

(f) The name and address of each person who contributed goods or services to the committee for sale at the activity if the fair market value of the goods or services contributed equals twenty-five dollars or more in the aggregate from such person, together with a precise description of each item or service contributed and its estimated market value;

(g) The name and address of each person whose identity can be ascertained and who makes payments to the committee at such activity which result in a profit of twenty-five dollars or more to the committee, together with the approximate amount of profit to the committee which results from such payments; and

(h) A complete listing of the names and addresses of the persons responsible for conducting the activity.

(5) The statement required by subsection (4) of this section shall be in duplicate upon a form prescribed by the commission, one copy to be filed by the campaign treasurer with the commission, and one copy to be retained by him for his records. Each statement shall be certified as correct by the campaign treasurer or deputy treasurer making the deposit.

Sec. 20. Section 8, chapter 1, Laws of 1973 as last amended by section 1, chapter 28, Laws of 1986 and RCW 42.17.080 are each amended to read as follows:

(1) On the day the campaign treasurer is designated, each candidate or political committee shall file with the commission and the county auditor or elections officer of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign treasurer resides), in addition to any statement of organization required under RCW 42.17.040 or 42.17.050 as now or hereafter amended, a report of all contributions received and expenditures made prior to that date, if any.

(2) At the following intervals each campaign treasurer shall file with the commission and the county auditor or elections officer of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign maintains its office or headquarters and if there is no office or headquarters then in the county in which the campaign treasurer resides) a report containing the information required by RCW 42.17.090 as now or hereafter amended:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and

(b) Within twenty-one days after the date of the election: PROVIDED, That this report shall not be required following a primary election from:

(i) A candidate whose name will appear on the subsequent general election ballot; or

(ii) Any continuing political committee; and

(c) On the tenth day of each month in which no other reports are required to be filed under this section: PROVIDED, That such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

When there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and in the case of a political committee, the committee has ceased to function and has dissolved, the campaign treasurer shall file a final report. Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

(3) For the period beginning the first day of the fourth month preceding the date on which the special or general election is held and ending on the date of that election, the campaign treasurer shall file with the commission and the appropriate county elections officer a report of each contribution received during that period at the time that contribution is deposited pursuant to RCW 42.17.060(1), as now or hereafter amended. The report shall contain the name of each person contributing the funds so deposited and the amount contributed by each person (~~PROVIDED, That contributions of less than twenty-five dollars from any one person may be deposited without identifying the contributor~~). A copy of the report shall be retained by the campaign treasurer for his records. In the event of deposits made by a deputy campaign treasurer, the copy shall be forwarded to the campaign treasurer to be retained by him for his records. Each report shall be certified as correct by the campaign treasurer or deputy campaign treasurer making the deposit.

(4) The campaign treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day and shall be open for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 as now or hereafter amended, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer or such other place as may be authorized by the commission. The campaign treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

(5) All reports filed pursuant to subsections (1) or (2) of this section shall be certified as correct by the candidate and the campaign treasurer.

(6) Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 as now or hereafter amended, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer or such other place as may be authorized by the commission.

Sec. 21. Section 9, chapter 1, Laws of 1973 as last amended by section 2, chapter 12, Laws of 1986 and by section 1, chapter 228, Laws of 1986 and RCW 42.17.090 are each reenacted and amended to read as follows:

(1) Each report required under RCW 42.17.080 (1) and (2), as now or hereafter amended, shall disclose for the period beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure, and ending not more than five days prior to the date the report is due:

(a) The funds on hand at the beginning of the period;

(b) The name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the campaign or in the case of a continuing political committee, the current calendar year: PROVIDED, That the income which results from the conducting of a fund-raising activity which has previously been reported in accordance with RCW 42.17.067 may be reported as one lump sum, with the

exception of that portion of such income which was received from persons whose names and addresses are required to be included in the report required by RCW 42.17.067: (~~PROVIDED FURTHER. That contributions of less than twenty five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the names, addresses, and amounts of each such contributor.~~) PROVIDED FURTHER, That the money value of contributions of postage shall be the face value of such postage:

(c) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(d) The name and address of each political committee from which the reporting committee or candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts, dates, and purpose of all such transfers. Information regarding the following shall be contained in a separate category of the report bearing the title 'Transfer of funds': Contributions made from the campaign depository of one candidate to the campaign of another candidate; and contributions received by a candidate, or for the campaign of the candidate, from the campaign depository of another candidate;

(e) All other contributions not otherwise listed or exempted;

(f) The name and address of each person to whom an expenditure was made in the aggregate amount of fifty dollars or more, and the amount, date, and purpose of each such expenditure;

(g) The total sum of expenditures;

(h) The surplus or deficit of contributions over expenditures;

(i) The disposition made in accordance with RCW 42.17.095 of any surplus funds;

(j) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter; and

(k) Funds received from a political committee not domiciled in Washington state or not otherwise required to report under this chapter (a 'nonreporting committee'). Such funds shall be forfeited to the state of Washington unless the nonreporting committee or the recipient of such funds has filed or within ten days following such receipt shall file with the commission a statement disclosing: (i) its name and address; (ii) the purposes of the nonreporting committee; (iii) the names, addresses, and titles of its officers or if it has no officers, the names, addresses, and titles of its responsible leaders; (iv) a statement whether the nonreporting committee is a continuing one; (v) the name, office sought, and party affiliation of each candidate in the state of Washington whom the nonreporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party; (vi) the ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition; (vii) the name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions (~~in the aggregate of twenty five dollars or more~~) to the nonreporting committee during the current calendar year, together with the money value and date of such contributions; (viii) the name and address of each person in the state of Washington to whom an expenditure was made by the nonreporting committee on behalf of a candidate or political committee (~~in the aggregate amount of twenty five dollars or more~~), the amount, date, and purpose of such expenditure, and the total sum of such expenditures; (ix) such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter. A nonreporting committee incurring an obligation to file additional reports in a calendar year may satisfy the obligation by filing with the commission a letter providing updating or amending information.

(2) The campaign treasurer and the candidate shall certify the correctness of each report.

Sec. 22. Section 5, chapter 59, Laws of 1969 as last amended by section 19, chapter 107, Laws of 1988 and RCW 41.04.230 are each amended to read as follows:

Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct from the salaries or wages of the officers or employees, the amount or amounts of subscription payments, premiums, contributions, or continuation thereof, for payment of the following:

(1) Credit union deductions: PROVIDED, That the credit union is organized solely for public employees: AND PROVIDED FURTHER, That twenty-five or more employees of a single state agency or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same credit union.

(2) Parking fee deductions: PROVIDED, That payment is made for parking facilities furnished by the agency or by the department of general administration.

(3) U.S. savings bond deductions: PROVIDED, That a person within the particular agency shall be appointed to act as trustee. The trustee will receive all contributions; purchase and deliver all bond certificates; and keep such records and furnish such bond or security as will render full accountability for all bond contributions.

(4) Board, lodging or uniform deductions when such board, lodging and uniforms are furnished by the state, or deductions for academic tuitions or fees or scholarship contributions payable to the employing institution.

(5) Dues and other fees deductions: PROVIDED, That the deduction is for payment of membership dues to any professional organization formed primarily for public employees or college and university professors: AND PROVIDED, FURTHER, That twenty-five or more employees of a single state agency, or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same professional organization.

(6) Labor or employee organization dues may be deducted in the event that a payroll deduction is not provided under a collective bargaining agreement under the provisions of RCW 41.06.150: PROVIDED, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same labor or employee organization: PROVIDED, FURTHER, That labor or employee organizations with five hundred or more members in state government may have payroll deduction for employee benefit programs.

~~(7) ((Voluntary deductions for political committees duly registered with the public disclosure commission and/or the federal election commission: PROVIDED, That twenty-five or more officers or employees of a single agency or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same political committee.~~

(8)) Insurance contributions to the authority for payment of premiums under contracts authorized by the state health care authority.

Deductions from salaries and wages of public officers and employees other than those enumerated in this section or by other law, may be authorized by the director of financial management for purposes clearly related to state employment or goals and objectives of the agency and for plans authorized by the state health care authority.

The authority to make deductions from the salaries and wages of public officers and employees as provided for in this section shall be in addition to such other authority as may be provided by law: PROVIDED, That the state or any department, division, or separate agency of the state shall not be liable to any insurance carrier or contractor for the failure to make or transmit any such deduction.

NEW SECTION. Sec. 23. No political subdivision of the state shall expend funds for the public financing of campaigns, unless a measure providing for such public financing is approved by a majority of the voters in that political subdivision at a general election.

NEW SECTION. Sec. 24. A new section is added to chapter 44.05 RCW to read as follows:

For the purpose of encouraging electoral competition, reducing the financial burden of seeking office in the house of representatives, and preserving the opportunity for community interests, the redistricting commission shall establish single member representative districts.

Sec. 25. Section 2, chapter 16, Laws of 1983 and RCW 44.05.020 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context requires otherwise.

(1) 'Chief election officer' means the secretary of state.

(2) 'Federal decennial census' means the decennial census required by federal law to be prepared by the United States bureau of the census in each year ending in zero.

(3) 'Lobbyist' means an individual required to register with the Washington public disclosure commission pursuant to RCW 42.17.150.

(4) 'Plan' means a plan for legislative and congressional redistricting mandated by Article II, section 43 of the state Constitution.

(5) 'Legislative district' means a district from which either a member of the state senate or state house of representatives is elected.

(6) 'District' means a district from which a member of congress, the state senate, or the state house of representatives is elected.

(7) 'Senatorial district' means a district established for the purpose of electing a state senator.

(8) 'Representative district' means a district established for the purpose of electing a state representative.

(9) 'Commission' means the redistricting commission.

Sec. 26. Section 9, chapter 16, Laws of 1983 and RCW 44.05.090 are each amended to read as follows:

In the redistricting plan:

(1) Districts shall have a population as nearly equal as is practicable, excluding nonresident military personnel, based on the population reported in the federal decennial census.

(2) To the extent consistent with subsection (1) of this section the commission plan should, insofar as practical, accomplish the following:

(a) District lines should be drawn so as to coincide with the boundaries of local political subdivisions and areas recognized as communities of interest. The number of counties and municipalities divided among more than one district should be as small as possible;

(b) Districts should be composed of convenient, contiguous, and compact territory. Land areas may be deemed contiguous if they share a common land border or are connected by a ferry, highway, bridge, or tunnel. Areas separated by geographical boundaries or artificial barriers that prevent transportation within a district should not be deemed contiguous; and

(c) Whenever practicable, a precinct shall be wholly within a single legislative district.

(3) In accordance with the provisions of Article II, section 6 of the state Constitution, representative districts shall be uniformly established so that if a senatorial district is divided in the formation of representative districts, all senatorial districts shall be so divided.

(4) The commission's plan shall not provide for a number of legislative districts different than that established by the legislature.

(5) The commission shall exercise its powers to provide fair and effective representation and to encourage electoral competition. The commission's plan shall not be drawn purposely to favor or discriminate against any political party or group.

(6) The commission shall draw two single member representative districts within each senatorial district: PROVIDED, That

(a) The districts shall be divided according to subsections (1) and (2) of this section;

(b) No representative district shall be drawn which has the effect of diluting the voting strength of any particular community interest. For the purposes of this chapter, 'community interest' may include, but shall not be limited to, the following:

(i) The existence of Indian reservations;

(ii) The concentration of minority populations of either ethnic, racial, or economic origin;

(iii) A specific territory comprised of a disproportionately low population, as compared to a more populous territory within the same legislative district; and

(iv) A rural territory;

(c) All legislative districts shall have two single member representative districts, the senatorial district being denoted by a number and the representative district being denoted by a number and the letter 'A' or 'B'.

NEW SECTION, Sec. 27. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.

NEW SECTION, Sec. 28. Sections 3, 4, 5, 8, 9, 11 through 13, 18, 23, 24, and 27 of this act are each added to chapter 42.17 RCW.

NEW SECTION, Sec. 29. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 30. This act may be known and cited as the fair campaign practices act.

NEW SECTION, Sec. 31. Section 3, chapter 228, Laws of 1986 and RCW 42.17.135 are each repealed."

With consent of the House, Representative Fuhrman withdrew the amendment.

The Speaker stated the question before the House to be the adoption of the amendment by Representatives R. Fisher and Miller.

Representatives R. Fisher and Miller spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Ms. R. Fisher yielded to question by Mr. Padden.

Mr. Padden: Representative Fisher, could you tell me what the extent of the state's financial liability is under the entire striking amendment?

Ms. R. Fisher: No, I cannot. It is impossible to estimate the amount of money that would be expended. Likely, around two hundred thousand dollars as an outside limit.

Representatives Padden and Brough spoke against adoption of the amendment, and Representatives Hine, Heavey, Ferguson and Van Luven spoke in favor of it. Mr. Padden again spoke against the amendment, and Representatives R. Fisher and Miller again supported it.

The amendment was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "financing;" strike the remainder of the title and insert "amending RCW 42.17.390; adding a new section to chapter 34.05 RCW; adding new sections as new subchapters in chapter 42.17 RCW; adding new sections to chapter 42.17 RCW; adding

a new section to chapter 29.80 RCW; creating new sections; prescribing penalties; providing effective dates; and declaring an emergency."

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher, McLean, Pruitt, Hine and Miller spoke in favor of passage of the bill, and Representatives Padden, Locke, Brough and Wolfe opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1910, and the bill passed the House by the following vote: Yeas, 62; nays, 34; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Bowman, Braddock, Brekke, Bristow, Brumsickle, Cantwell, Cole, Cooper, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Hankins, Haugen, Hine, Holland, Horn, Jacobsen, Jones, King P, King R, Leonard, May, McLean, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Ratter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Vaile, Van Luven, Vekich, Walk, Walker, Wilson K, Wineberry, Winsley, Wood, Youngsman, and Mr. Speaker - 62.

Voting nay: Representatives Ballard, Baugher, Beck, Belcher, Betzoff, Brooks, Brough, Chandler, Crane, Day, Doty, Fuhrman, Grant, Hargrove, Heavey, Insee, Jesernig, Kremen, Locke, Meyers R, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Schmidt, Silver, Smith, Sommers D, Tate, Wilson S, Wolfe, Zellinsky - 34.

Excused: Representatives Schoon, Wang - 2.

Engrossed Substitute House Bill No. 1910, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 2198 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 2198, by Representatives Nelson, Hankins, Cooper, Miller, May, Jacobsen, Brooks, Todd and H. Myers

Pertaining to energy efficiency and conservation.

The bill was read the second time. On motion of Mr. Nelson, Substitute House Bill No. 2198 was substituted for House Bill No. 2198, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2198 was read the second time.

Mr. Cooper moved adoption of the following amendment by Representatives Cooper, Nelson and Hankins:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the electricity surplus in the Northwest is dwindling as the population increases and the economy expands. Energy efficiency will reduce the pressure for future rate increases. By keeping the cost of energy low, this region will maintain an important economic advantage.

It is declared policy of the legislature that using energy efficiently is one of the lowest cost ways to meet consumer demand for electrical energy. To that end, this act is directed to enhance energy efficient building methods. It is the intent of this act to make residential construction cost-effective for the consumer and encourage home builders to continue to build affordable housing for entry level consumers. Conservation and energy efficiency will stretch our current clean energy efficient resources into the future.

NEW SECTION, Sec. 2. A new section is added to chapter 19.27A RCW to read as follows:

Except as provided in RCW 19.27A.020(6), the state energy code for residential buildings shall be the maximum and minimum energy code for residential buildings in each city, town, and county and shall be enforced by each city, town, and county no later than July 1, 1990. The state energy code for nonresidential buildings shall be the minimum energy code for nonresidential buildings in each city, town, and county.

Sec. 3. Section 3, chapter 76, Laws of 1979 ex. sess. as amended by section 2, chapter 144, Laws of 1985 and RCW 19.27A.020 are each amended to read as follows:

(1) No later than January 1, 1990, the state building code ((advisory)) council shall ((promulgate rules, pursuant to chapter 34.04 RCW, for the purpose of adopting a revised)) adopt a

state energy code. ~~((The revised code shall be designed to achieve reductions in energy consumption relative to buildings constructed to comply with the state energy code, June 30, 1988 edition, as amended.))~~

~~(2) The council shall follow the legislature's guidelines set forth in this section to design ((a revised)) the state energy code ((which requires)). The state energy code shall be designed to require new buildings to meet a certain level of energy efficiency, but allow((s)) flexibility in building design ((and)), construction, and heating equipment efficiencies within that framework. The state energy code shall be designed to allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.~~

~~(3) The ((revised)) state energy code shall take into account regional climatic conditions ((and shall)). Climate zone 1 shall include all counties not included in climate zone 2. Climate zone 2 includes: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties.~~

~~(4) Until it is amended by the state building code council pursuant to section 5 of this act, the state energy code for residential buildings shall be designed according to the following guidelines:~~

~~(a) For new electric resistance heated residential buildings, the code shall be designed to achieve energy ((savings)) use equivalent to ((savings)) energy use achieved in typical buildings constructed with:~~

~~(i) Ceilings insulated to a level of R-38, except single rafter or joist vaulted ceilings may be insulated to a level of R-30 (R value includes insulation only);~~

~~(ii) In zone 1, walls insulated to a level of R-19 ((total assembly)) (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 sheathing, and other normal assembly components; in zone 2 walls insulated to a level of R-24 (R value includes insulation only), or constructed with two by six members, R-22 insulation batts, R-3.2 sheathing, and other normal construction assembly components;~~

~~(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2;~~

~~(iv) Floors over unheated spaces insulated to a level of ((R-19 for areas with six thousand or less annual heating degree days and to a level of R-25 for areas with more than six thousand annual heating degree days)) R-30 except that in zone 1, if floor joists are constructed with two by eight members, to a level of R-25 (R value includes insulation only);~~

~~((iv)) (v) Slab on grade floors insulated to a level of R-10 at the perimeter;~~

~~(vi) Double glazed windows with ((tested R)) values not ((less)) more than ((1-79 when tested according to the procedures of the American architectural manufacturers association)) U-0.4, except that until July 1, 1993, the value shall not be more than U-0.5; ((and~~

~~(v) in areas with more than six thousand annual heating degree days a maximum of seventeen percent of the floor area in glazing; in areas with six thousand or less annual heating degree days a maximum of twenty-one percent of the floor area in glazing)) (vii) In zone 1 the maximum glazing area shall be seventeen percent of floor area. In zone 2 the maximum glazing area shall be fifteen percent of floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area; and~~

~~(viii) Exterior doors insulated to a level of R-5.~~

~~(b) For new residential buildings which are space-heated with ((other fuels)) all other forms of space heating, the code shall be designed to achieve energy ((savings)) use equivalent to ((savings)) energy use achieved in typical buildings constructed with:~~

~~(i) Ceilings insulated to a level of R-30 in zone 1 and R-38 in zone 2 (R value includes insulation only);~~

~~(ii) Walls insulated to a level of R-19 ((total assembly)), or constructed with two by four members, R-13 insulation batts, R-3.2 sheathing, and other normal assembly components;~~

~~(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2;~~

~~(iv) Floors over unheated spaces insulated to a level of R-19 in zone 1 and R-25 in zone 2 (R value includes insulation only);~~

~~((iv)) (v) Slab on grade floors insulated to a level of R-10 at the perimeter;~~

~~(vi) Heat pumps with a minimum heating season performance factor (HSPF) of 6.8 or with all other energy sources with a minimum annual fuel utilization efficiency (AFUE) of seventy-eight percent;~~

~~(vii) Double glazed windows with ((tested R)) values not ((less)) more than ((1-40 when tested according to the procedures of the American architectural manufacturers association)) U-0.65 in zone 1 and U-0.60 in zone 2; and~~

~~((v) in areas with more than six thousand annual heating degree days a) (viii) In zone 1, the maximum ((of seventeen)) glazing area shall be twenty-one percent of the floor area ((in glazing; in areas with six thousand or less annual heating degree days a maximum of twenty-one percent of the floor area in glazing)). In zone 2 the maximum glazing area shall be seventeen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area.~~

((c) For new nonresidential buildings.)) (5) The minimum state energy code for new non-residential buildings shall be ~~((designed to achieve a ten percent reduction in energy consumption relative to buildings constructed to comply with))~~ the state energy code, June (30: 1986) 1986 edition ~~((as amended))~~.

((2) In developing the revised code, the council shall consider possible health and respiratory problems caused by insulating buildings so tightly that the rate of air exchange is significantly retarded, thereby concentrating toxic pollutants at unhealthy high levels.

(3) The council shall publish the revision as proposed rules pursuant to chapter 34.04 RCW and provide for the rules to become effective January 1, 1986. All cities, towns, and counties shall enforce the revised state energy code not later than April 1, 1986.))

(6)(a) Except as provided in (b) of this subsection, the state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.

(b) The state energy code for residential structures with electric resistance space heat does not preempt a city, town, or county's energy code for residential structures with electric resistance space heat which exceeds the requirements of the state energy code and which was adopted by the city, town, or county prior to March 15, 1989. A city, town, or county which has adopted an energy code for residential buildings with electric resistance space heat which is not preempted under this subsection may not amend its energy code in a manner which would cause the local energy code to exceed the state energy code. A city, town, or county which has adopted an energy code for residential buildings with electric resistance space heat which is not preempted under this subsection may amend its energy code to conform its energy code to the state energy code as it will exist on July 1, 1993.

(7) The state building code council shall consult with the state energy office as provided in RCW 34.05.310 prior to publication of proposed rules. The state energy office shall review the proposed rules for consistency with the state energy code. The director of the state energy office shall recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(8) U-values for glazing shall be determined using the area weighted average of all glazing in the building. U-values for glazing are the tested values for thermal transmittance due to conduction resulting from either the American architectural manufacturers' association (AAMA) 1503.1 test procedure or the American society for testing materials (ASTM) C236 or C976 test procedures. Testing shall be conducted under established winter horizontal heat flow test conditions using the fifteen miles per hour wind speed perpendicular to the exterior surface of the glazing as specified under AAMA 1503.1 and product sample sizes specified under AAMA 1503.1. The AAMA 1503.1 testing must be conducted by an AAMA certified testing laboratory. The ASTM C236 or C976 testing U-values include any tested values resulting from a future revised AAMA 1503.1 test procedure. Sealed insulation glass, where used, shall conform to ASTM E-774-81 level A or better.

(9) If any electric utility that purchases at least one percent of its firm energy load from a federal agency, pursuant to section 5.(b)(1) of the pacific northwest electric power planning and conservation act (P.L. 96-501), is unable to obtain from that agency at least fifty percent of the funds for payments required by section 4 of this act, the amendments to this section by this 1989 act shall be null and void, and the 1986 state energy code shall be in effect, except that a city, town, or county may enforce a local energy code with more stringent energy requirements adopted prior to March 15, 1989. This subsection shall expire June 30, 1996.

NEW SECTION. Sec. 4. A new section is added to chapter 19.27A RCW to read as follows:

(1) Electric utilities shall make payments to the owner at the time of construction of a newly constructed residential building with electric resistance space heat built in compliance with the requirements of the state energy code adopted pursuant to RCW 19.27A.020 or a residential energy code in effect pursuant to RCW 19.27A.020(6). All or a portion of the funds for payments may be accepted from federal agencies or other sources. Payments are required for residential buildings on which construction has begun on or after July 1, 1990, and prior to July 1, 1996. Payments are required for single family residences having one thousand eight hundred square feet or less of finished floor area and for all other residential units having one thousand two hundred and seventy-five square feet or less of finished floor area. The payment shall be at least forty cents per square foot of finished or unfinished heated floor area. Payment is required only for the first one thousand eight hundred square feet of heated floor area in a single family residence. For purposes of this section, a zero lot line home and each unit in a duplex and each attached housing unit in a planned unit development shall each be considered a single family residence.

(2) Electric utilities which provide electrical service in jurisdictions in which the local government has adopted an energy code not preempted by RCW 19.27A.020(6)(b) shall make payments as provided in subsection (1) of this section for residential buildings on which construction has begun on or after the effective date of this act and prior to July 1, 1990.

(3) Nothing in this section shall prohibit an electric utility from providing incentives in excess of the payments required by this section or from providing additional incentives for energy efficiency measures in excess of those required under RCW 19.27A.020.

(4) This section shall not apply to any electric utility that purchases at least one percent of its firm energy load from a federal agency, pursuant to section 5.(b)(1) of the pacific northwest electric power planning and conservation act (P.L. 96-501), and is unable to obtain from the agency at least fifty percent of the funds to make the payments required by this section. This subsection shall expire June 30, 1996.

(5) The utilities and transportation commission shall provide an appropriate regulatory mechanism which allows a utility regulated by the commission to recover expenses incurred by the utility in making payments under this section.

(6) Subsections (1) through (3) of this section shall expire July 1, 1997.

NEW SECTION, Sec. 5. A new section is added to chapter 19.27A RCW to read as follows:

The state building code council shall maintain the state energy code for residential structures in a status which is consistent with the state's interest as set forth in section 1 of this act. In maintaining the state energy code for residential structures, beginning in 1996 the council shall review the state energy code every three years. After January 1, 1996, by rule adopted pursuant to chapter 34.05 RCW, the council may amend any provisions of the state energy code to increase the energy efficiency of newly constructed residential buildings. Decisions to amend the state energy code for residential structures shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year.

NEW SECTION, Sec. 6. Not later than January 2, 1993, the state building code council shall review the cost-effectiveness of the window standards established in RCW 19.27A.020(4). If the state building code council determines that window standards beyond those provided in the state energy code which will be in effect on July 1, 1993, would be cost-effective, the council shall report to the energy and utilities committees of the house of representatives and the senate on recommended changes in the window standards. In determining the cost-effectiveness of the window standards, the council shall consider factors which require an amortization of the window components over a period of not more than seven years and a discount rate computed at the current market rate for conventional home mortgages. The review shall be completed and a report, if necessary, made not later than January 2, 1993.

NEW SECTION, Sec. 7. A new section is added to chapter 19.27 RCW to read as follows:

(1)(a) Not later than January 1, 1990, the state building code council shall establish interim requirements for the maintenance of indoor air quality in newly constructed, electrically heated residential buildings. These requirements shall be in effect July 1, 1990, through June 30, 1993.

(b) The interim requirements shall include ventilation standards which provide for mechanical ventilation in areas of the residence where water vapor or cooking odors are produced. The ventilation shall be exhausted to the outside of the structure. The ventilation standards shall further provide for the capacity to supply outside air to each bedroom and the main living area through dedicated supply air inlet locations in walls, or in an equivalent manner. At least one exhaust fan in the home shall be controlled by a dehumidistat or clock timer to ensure that sufficient whole house ventilation is regularly provided as needed.

(c)(i) For single family residences, zero lot line homes, each unit in a duplex, and each attached housing unit in a planned unit development, the ventilation standards shall include fifty cubic feet per minute of effective installed ventilation capacity in each bathroom and one hundred cubic feet per minute of effective installed ventilation capacity in each kitchen.

(ii) For other residential units the ventilation standards may be satisfied by the installation of two exhaust fans with a combined effective installed ventilation capacity of two hundred cubic feet per minute.

(iii) Effective installed ventilation capacity means the capability to deliver the specified ventilation rates under the actual design conditions of the structure. Natural ventilation through operable exterior openings and infiltration shall not be considered acceptable substitutes for mechanical ventilation.

(d) The interim requirements shall include standards for indoor air quality pollutant source control, including the following requirements: All structural panel components of the residence shall comply with appropriate standards for the emission of formaldehyde; the back-drafting of combustion by-products from combustion appliances shall be minimized through the use of dampers, vents, outside combustion air sources, or other appropriate technologies; and, in areas of the state where monitored data indicate action is necessary to inhibit indoor radon gas concentrations from exceeding appropriate health standards, entry of radon gas into homes shall be minimized through appropriate foundation construction measures.

(2) No later than January 1, 1993, the state building code council shall establish final requirements for the maintenance of indoor air quality in newly constructed, electrically heated residences to be in effect beginning July 1, 1993. These requirements shall maintain indoor air quality equivalent to that provided by the mechanical ventilation and indoor air pollutant source control requirements included in the February 7, 1989, Bonneville power administration record of decision for the environmental impact statement on new energy efficient homes programs (DOE/EIS-0127F) built with electric space heating. In residential units other than single family, zero lot line, duplexes, and attached housing units in planned unit developments, ventilation requirements may be satisfied by the installation of two exhaust fans

with a combined effective installed ventilation capacity of two hundred cubic feet per minute in locations appropriate for the effective removal of water vapor and other source pollutants.

NEW SECTION. Sec. 8. A new section is added to chapter 4.24 RCW to read as follows:

It is a defense in a civil action brought for damages for injury caused by indoor air pollutants in a residential structure with electric space heating on which construction was begun on or after July 1, 1990, that the builder complied in good faith, without negligence or misconduct, with:

(1) Building product safety standards, including labeling;

(2) Restrictions on the use of building materials known or believed to contain substances that contribute to indoor air pollution; and

(3) The ventilation requirements adopted under section 7 of this act.

Sec. 9. Section 2, chapter 149, Laws of 1980 and RCW 80.28.025 are each amended to read as follows:

(1) In establishing rates for each gas and electric company regulated by this chapter, the commission shall adopt policies to encourage meeting or reducing energy demand through ~~((cogeneration as defined in RCW 82.35.020))~~ measures which improve the efficiency of energy end use, and new projects which produce or generate energy from renewable resources, such as solar energy, wind energy, hydroelectric energy, geothermal energy, wood, wood waste, ~~((municipal wastes))~~ agricultural products and wastes, and end-use waste heat. ~~((These policies shall include but are not limited to))~~ Payments made under section 4 of this act shall be considered a measure which improves the efficiency of energy end use.

(2) The commission shall adopt a policy allowing a return on investment in measures to improve the efficiency of energy end use. ~~((cogeneration))~~ or projects which produce or generate energy from renewable resources ~~((which))~~. The return on investment is established by adding an increment of two percent to the rate of return on common equity permitted on the company's other investment and allowing the capitalization of carrying costs associated with the investment in such measures until they are in the rate base for ratemaking purposes. The rate of return increment shall be allowed for a period not to exceed thirty years after the measure or project is first placed in the rate base.

(3) The commission shall consider and may adopt other policies to protect a company from a reduction of short-term earnings that may be a direct result of utility programs to increase the efficiency of energy use. These policies may include allowing a periodic rate adjustment for investments in end-use efficiency or allowing changes in price structure designed to produce additional net revenue.

(4) Measures or projects encouraged under this section are those for which construction or installation is begun after June 12, 1980, and before ~~((January 1, 1990 and which))~~ July 1, 1996. At the time they are placed in the rate base, ~~((are))~~ the measures or projects must be reasonably expected to save, produce, or generate energy at a total incremental system cost per unit of energy delivered to end use which is less than or equal to the incremental system cost per unit of energy delivered to end use from similarly available conventional energy resources which ~~((utilize))~~ use nuclear energy or fossil fuels and which the gas or electric company could acquire to meet energy demand in the same time period. ~~((The rate of return increment shall be allowed for a period not to exceed thirty years after the measure or project is first placed in the rate base.))~~

Sec. 10. Section 3, chapter 149, Laws of 1980 and RCW 82.16.055 are each amended to read as follows:

(1) In computing tax under this chapter there shall be deducted from the gross income:

(a) An amount equal to the cost of production at the plant for consumption within the state of Washington of

~~((i))~~ electrical energy produced or generated from cogeneration as defined in RCW 82.35.020; and

~~((ii))~~ electrical energy or gas produced or generated from renewable energy resources such as solar energy, wind energy, hydroelectric energy, geothermal energy, wood, wood wastes, ~~((municipal wastes))~~ agricultural products and wastes, and end-use waste heat; and

(b) Those amounts expended to improve consumers' efficiency of energy end use or to otherwise reduce the use of electrical energy or gas by the consumer, including payments made pursuant to section 4 of this act.

(2) This section applies only to new facilities for the production or generation of energy from ~~((cogeneration or))~~ renewable energy resources or measures to improve the efficiency of energy end use on which construction or installation is begun after June 12, 1980, and before ~~((January 1, 1990))~~ July 1, 1996.

(3) Deductions under subsection (1)(a) of this section shall be allowed for a period not to exceed thirty years after the project is placed in operation.

(4) Measures or projects encouraged under this section shall at the time they are placed in service be reasonably expected to save, produce, or generate energy at a total incremental

system cost per unit of energy delivered to end use which is less than or equal to the incremental system cost per unit of energy delivered to end use from similarly available conventional energy resources which ~~((the))~~ use nuclear energy or fossil fuels and which the gas or electric utility could acquire to meet energy demand in the same time period.

(5) The department of revenue, after consultation with the utilities and transportation commission in the case of investor-owned utilities and the governing bodies of locally regulated utilities, shall determine the eligibility of individual projects and measures for deductions under this section.

Sec. 11. Section 4, chapter 96, Laws of 1974 ex. sess. as last amended by section 8, chapter 360, Laws of 1985 and RCW 19.27.040 are each amended to read as follows:

The governing body of each county or city is authorized to amend the state building code as it applies within the jurisdiction of the county or city. The minimum performance standards of the codes and the objectives enumerated in RCW 19.27.020 shall not be diminished by any county or city amendments. ~~((Amendments to RCW 19.27A.010 shall not result in structures that exceed the overall structural heat loss characteristics that would have resulted from conforming to RCW 19.27A.010;))~~

Nothing in this chapter shall authorize any modifications of the requirements of chapter 70.92 RCW.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 96, Laws of 1974 ex. sess., section 8, chapter 110, Laws of 1975 1st ex. sess., section 11, chapter 14, Laws of 1977 ex. sess., section 1, chapter 76, Laws of 1979 ex. sess., section 1, chapter 8, Laws of 1980, section 1, chapter 101, Laws of 1984, section 1, chapter 144, Laws of 1985 and RCW 19.27A.010;

(2) Section 3, chapter 144, Laws of 1985, section 1, chapter 204, Laws of 1988 and RCW 19.27A.030; and

(3) Section 4, chapter 144, Laws of 1985, section 2, chapter 204, Laws of 1988 and RCW 19.27A.040.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. Sections 1 through 4, 7, 9, and 10 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately. Sections 11 and 12 (1) and (2) of this act shall take effect January 1, 1990. Sections 8 and 12(3) of this act shall take effect July 1, 1990."

Representatives Cooper, May, Nelson, Todd and Hankins spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "conservation," strike the remainder of the title and insert "amending RCW 19.27A.020, 80.28.025, 82.16.055, and 19.27.040; adding new sections to chapter 19.27A RCW; adding a new section to chapter 19.27 RCW; adding a new section to chapter 4.24 RCW; creating new sections; repealing RCW 19.27A.010, 19.27A.030, and 19.27A.040; providing effective dates; and declaring an emergency."

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Nelson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2198, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Schoon, Wang - 2.

Engrossed Substitute House Bill No. 2198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 9:30 a.m., Tuesday, March 14, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SIXTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, March 14, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Ferguson, Locke and H. Sommers.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Alison Harper and Jenifer Miller. Prayer was offered by The Reverend David Shaw, Minister of the First Baptist Church of Lacey.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**CENTENNIAL MESSAGE
FROM THE WASHINGTON STATE HISTORICAL SOCIETY**

March 14, 1989

On this day in 1889, fishing was good near Port Angeles. Twenty barrels of herring were captured in two hauls.

And on March 14, 1893 the Governor signed a bill allowing the University of Washington to relocate from downtown to its present site at Union Bay.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2212 by Representative Wang

AN ACT Relating to motor vehicle aftermarket crash parts; amending RCW 46.71.080 and 46.71.090; adding a new section to chapter 46.71 RCW; adding a new section to chapter 48.30 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2213 by Representatives S. Wilson, R. Fisher, McLean, Anderson, Sayan, Silver, O'Brien, Morris, Ballard, Rector, Haugen, Prince, Holland, Scott, May, R. Meyers, Brough, Gallagher, Miller, Crane, Tate, Bowman, Wolfe and Smith

AN ACT Relating to signature requirements for initiatives and referendums; and amending RCW 29.79.120.

Referred to Committee on State Government.

HJR 4223 by Representatives S. Wilson, R. Fisher, McLean, Anderson, Sayan, Silver, O'Brien, Morris, Ballard, Rector, Haugen, Prince, Holland, Scott, May, R. Meyers, Brough, Gallagher, Miller, Crane, Tate, Bowman, Wolfe and Smith

Modifying the signature requirements for initiatives and referendums.

Referred to Committee on State Government.

The Speaker (Mr. O'Brien presiding) referred the bills and resolution listed on today's introduction sheet under the fourth order of business to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING
ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced that the House would begin consideration of House Bills on the suspension calendar.

HOUSE BILL NO. 1286, by Representatives Cantwell, Nealey, Basich, Prince, Moyer and P. King

Specifying how the boundaries of an industrial development district may be revised.

The bill was read the second time.

Ms. Cantwell moved that the committee recommendation be adopted (For committee amendments, see Journal, 36th Day, February 13, 1989.) and the bill be advanced to third reading. Ms. Cantwell spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1286.

Representatives Cantwell, Nealey and Basich spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1286, and the bill passed the House by the following vote: Yeas, 95; absent, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Ferguson, Locke, Sommers H - 3.

Engrossed House Bill No. 1286, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Ferguson and H. Sommers appeared at the bar of the House.

STATEMENT FOR THE JOURNAL

Please let the record show that I am in favor of Engrossed House Bill No. 1286.

ROY A FERGUSON, 48th District.

HOUSE BILL NO. 1326, by Representatives Bristow, Betrozoff, Peery, Fuhrman and Brough

Revising provisions for local funding requirements for school construction projects.

The bill was read the second time.

Mr. Peery moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Peery spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1326.

Representatives Bristow and Fuhrman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1326, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Locke - 1.

Substitute House Bill No. 1326, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Locke appeared at the bar of the House.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1746 on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1746, by Representatives Locke, Todd, Anderson and Wineberry; by request of Human Rights Commission

Prohibiting discrimination in real estate transactions because of parental status.

The bill was read the second time.

Ms. Nutley moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1746.

Ms. Nutley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1746, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Anderson - 1.

Substitute House Bill No. 1746, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1762, by Representatives Walker, Appelwick, Brekke, Wineberry, Winsley and Heavey; by request of Human Rights Commission

Prohibiting discrimination in real estate transactions against physically disabled persons who use guide dogs.

The bill was read the second time.

Mr. Bristow moved that the committee recommendation be adopted (For committee amendments, see Journal, 47th Day, February 24, 1989.) and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1762.

Ms. Walker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1762, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1762, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1776, by Representative Hine; by request of Office of Financial Management

Creating a volunteer firefighters' pension administrative fund.

The bill was read the second time.

Mr. Grant moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Grant spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1776.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1776, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1776, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1405 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1405, by Representatives Jacobsen, H. Sommers, Prince, Wood, Spanel, Locke, O'Brien, Heavey, Miller, Brekke, Basich, Sayan, Phillips and Crane; by request of Governor Gardner

Regarding building fees for higher education.

The bill was read the second time. On motion of Ms. H. Sommers, Substitute House Bill No. 1405 was substituted for House Bill No. 1405, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1405 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers, Van Luven and Jacobsen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1405, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1405, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1415, by Representatives Jacobsen, Van Luven, Doty, Anderson and P. King; by request of Higher Education Coordinating Board

Revising provisions for tuition fees.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Higher Education as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

On motion of Mr. Jacobsen, Substitute House Bill No. 1415 was substituted for House Bill No. 1415, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1415 was read the second time.

Ms. H. Sommers moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Ms. H. Sommers, the committee amendment to the title was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jacobsen and Van Luven spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1415, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1417, by Representatives Heavey, Doty, Jacobsen, Van Luven, Anderson, Kremen, O'Brien, Locke, Moyer, Miller, Schoon, Betrozoff, D. Sommers, Ferguson, Wineberry, P. King, Wood, R. King, Sprenkle and Basich; by request of Higher Education Coordinating Board

Establishing the educational opportunity grant program.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Heavey, Doty, Jacobsen and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1417, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Belcher - 1.

House Bill No. 1417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1601 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1601, by Representatives Peery, Schoon, K. Wilson, Cole, Valle, Jones, G. Fisher, P. King, Pruitt, Kremen, Winsley, Wang, Holland, Wineberry, Cooper, Jacobsen, H. Myers, Dorn, Basich and Phillips

Establishing a school breakfast program.

The bill was read the second time. On motion of Mr. Grant, Substitute House Bill No. 1601 was substituted for House Bill No. 1601, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1601 was read the second time.

Mr. Horn moved adoption of the following amendments by Representatives Horn, Betrozoff, Walker, Brumsickle, Holland, D. Sommers, Wood, Fuhrman, Ferguson, Doty, Haugen and May:

On page 1, line 23, after "districts" strike all material through "Constitution," on page 3, line 13 and insert "are encouraged to develop and implement plans for a school breakfast program in severe-need schools when eligible."

On page 3, line 14, strike Sec. 3.

Representatives Horn, Betrozoff and Walker spoke in favor of adoption of the amendments, and Representatives Peery, Jones and Hine spoke against them.

Mr. Ebersole demanded an electric roll call vote, and the demand was sustained.

Representatives Padden and Haugen spoke in favor of the amendments, and Representatives Schoon, K. Wilson and Sayan opposed them. Mr. Horn again spoke in favor of the amendments.

Mr. Crane demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative Horn and others to Substitute House Bill No. 1601, and the amendments were not adopted by the following vote: Yeas, 29; nays, 69.

Voting yea: Representatives Baugher, Beck, Betrozoff, Bristow, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Haugen, Horn, May, Moyer, Nealey, Padden, Rayburn, Schmidt, Silver, Smith, Sommers D. Tate, Van Luven, Walk, Walker, Wilson S, Wolfe, Wood, Youngsman - 29.

Voting nay: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bowman, Braddock, Brekke, Brooks, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, McLean, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schoon, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 69.

STATEMENT FOR THE JOURNAL

In regard to the amendments by Representative Horn and others to Substitute House Bill No. 1601, I had intended to vote "No" instead of "Yes."

RANDY TATE, 25th District.

Mr. Horn moved adoption of the following amendment by Representatives Horn, Betrozoff, Walker, Brumsickle, Holland, D. Sommers, Wood, Fuhrman, Ferguson, Doty and May:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The superintendent of public instruction is directed to conduct a study of school lunch programs to determine reasons why some schools are not currently participating in the national school lunch program. The report shall include an estimate of the number of students in each of these schools who would be eligible for free or reduced-price lunches if they were available. The report shall also include the total cost of the program, including, but not limited to, food costs, staff salaries and benefits, and additional pupil transportation costs. The superintendent of public instruction shall submit to the legislature prior to January 15, 1990, a report on the results of its study, including recommendations on ways of increasing school participation in the school lunch program.

NEW SECTION. Sec. 2. (1) For the purposes of this section:

(a) 'Free or reduced-price lunches' means lunches served by a school district that qualify for federal reimbursement as free or reduced-price lunches under the national school lunch program.

(b) 'School breakfast program' means a program meeting federal requirements defined in 42 U.S.C. Sec. 1773.

(c) 'Severe-need school' means a school that qualifies for a severe-need school reimbursement rate from federal funds for school breakfasts served to children from low-income families.

(2) School districts shall be required to develop and implement plans for a school breakfast program in severe-need schools, pursuant to the schedule in this section. For the second year prior to the implementation of the district's school breakfast program, and for each subsequent school year, each school district shall submit data enabling the superintendent of public instruction to determine which schools within the district will qualify as severe-need schools. In developing its plan, each school district shall consult with an advisory committee including school staff and community members appointed by the board of directors of the district.

(3) Using district-wide data on school lunch participation during the 1988-89 school year, the superintendent of public instruction shall adopt a schedule for implementation of school breakfast programs in severe-need schools as follows:

(a) School districts where at least forty percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1991. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1991-92 school year and in each school year thereafter.

(b) School districts where at least twenty-five but less than forty percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1992. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1992-93 school year and in each school year thereafter.

(c) School districts where less than twenty-five percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1993. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1993-94 school year and in each school year thereafter.

(d) School districts that did not offer a school lunch program in the 1988-89 school year are encouraged to implement such a program and to provide a school breakfast program in all severe-need schools when eligible.

(4) The requirements in this section shall lapse if the federal reimbursement rate for breakfasts served in severe-need schools is reduced or eliminated.

(5) Students who do not meet family-income criteria for free breakfasts shall be eligible to participate in the school breakfast programs established under this section, and school districts may charge for the breakfasts served to these students. School breakfast programs established under this section shall be supported entirely by federal funds and commodities, charges to students, and other local resources available for this purpose, and shall not create or imply any state funding obligation for these costs. The legislature does not intend to include these programs within the state's obligation for basic education funding under Article IX of the Constitution.

NEW SECTION. Sec. 3. The superintendent of public instruction shall conduct a study of the costs and feasibility of expanding the school breakfast program to include schools where more than twenty-five but less than forty percent of lunches served are free or reduced-price lunches. The study shall consider the total cost of the program, including but not limited to food costs, staff salaries and benefits, and additional pupil transportation costs. The superintendent of public instruction shall submit to the legislature prior to January 15, 1993, a report on the results of this study, including recommendations on whether to expand the school breakfast program to include these schools."

Mr. Horn spoke in favor of adoption of the amendment, and Mr. Peery opposed it.

POINT OF INQUIRY

Mr. Peery yielded to question by Mr. Wolfe.

Mr. Wolfe: Who pays for it, if it is federally funded? Doesn't it come out of the same pockets as if it were state funded?

Mr. Peery: As I responded, it does not come out of the state general fund. We also put into the bill that it is not intended to be a part of the state assistance to basic education.

Mr. Betzoff spoke in favor of adoption of the amendment.

The Speaker assumed the Chair.

Ms. Cole spoke against the amendment.

The amendment was not adopted.

Mr. Horn moved adoption of the following amendment by Representatives Horn, Betzoff, Walker, Brumsickle, Holland, D. Sommers, Wood, Fuhrman, Ferguson, Doty and May:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The superintendent of public instruction is directed to conduct a study of school lunch programs to determine reasons why some schools are not currently participating in the national school lunch program. The report shall include an estimate of the number of students in each of these schools who would be eligible for free or reduced-price lunches if they were available. The report shall also include the total cost of the program, including, but not limited to, food costs, staff salaries and benefits, and additional pupil transportation costs. The superintendent of public instruction shall submit to the legislature prior to January 15, 1990, a report on the results of its study, including recommendations on ways of increasing school participation in the school lunch program.

NEW SECTION. Sec. 2. (1) For the purposes of this section:

(a) 'Free or reduced-price lunches' means lunches served by a school district that qualify for federal reimbursement as free or reduced-price lunches under the national school lunch program.

(b) 'School breakfast program' means a program meeting federal requirements defined in 42 U.S.C. Sec. 1773.

(c) 'Severe-need school' means a school that qualifies for a severe-need school reimbursement rate from federal funds for school breakfasts served to children from low-income families.

(2) If the legislature during the 1990 session appropriates funds to pay for the total costs, as determined by the report of the superintendent of public instruction, which are not reimbursed by the federal government, school districts shall be required to develop and implement plans for a school breakfast program in severe-need schools, pursuant to the schedule in this section. Otherwise, school districts may develop and implement plans for a school breakfast program in severe-need schools. For the second year prior to the implementation of the district's school breakfast program, and for each subsequent school year, each school district shall submit data enabling the superintendent of public instruction to determine which schools within the district will qualify as severe-need schools. In developing its plan, each school district shall consult with an advisory committee including school staff and community members appointed by the board of directors of the district.

(3) Using district-wide data on school lunch participation during the 1988-89 school year, the superintendent of public instruction shall adopt a schedule for implementation of school breakfast programs in severe-need schools as follows:

(a) School districts where at least forty percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1991. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1991-92 school year and in each school year thereafter.

(b) School districts where at least twenty-five but less than forty percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1992. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1992-93 school year and in each school year thereafter.

(c) School districts where less than twenty-five percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1993. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1993-94 school year and in each school year thereafter.

(d) School districts that did not offer a school lunch program in the 1988-89 school year are encouraged to implement such a program and to provide a school breakfast program in all severe-need schools when eligible.

(4) The requirements in this section shall lapse if the federal reimbursement rate for breakfasts served in severe-need schools is reduced or eliminated.

(5) Students who do not meet family-income criteria for free breakfasts shall be eligible to participate in the school breakfast programs established under this section, and school districts may charge for the breakfasts served to these students. School breakfast programs established under this section shall be supported entirely by federal funds and commodities, charges to students, and other local resources available for this purpose, and shall not create or imply any state funding obligation for these costs. The legislature does not intend to include these programs within the state's obligation for basic education funding under Article IX of the Constitution.

NEW SECTION, Sec. 3. If the legislature during the 1990 session appropriates funds pursuant to section 2 of this act, the superintendent of public instruction shall conduct a study of the costs and feasibility of expanding the school breakfast program to include schools where more than twenty-five but less than forty percent of lunches served are free or reduced-price lunches. The study shall consider the total cost of the program, including but not limited to food costs, staff salaries and benefits, and additional pupil transportation costs. The superintendent of public instruction shall submit to the legislature prior to January 15, 1993, a report on the results of this study, including recommendations on whether to expand the school breakfast program to include these schools."

Mr. Horn spoke in favor of adoption of the amendment, and Mr. Peery opposed it. Mr. Horn again spoke in favor of the amendment.

The amendment was not adopted.

MOTION

Mr. Ebersole moved that the House defer further consideration of Substitute House Bill No. 1601 and that the bill hold its place on the regular second reading calendar. The motion was carried.

MOTION

On motion of Mr. Heavey, Representative Wang was excused.

HOUSE BILL NO. 1468, by Representatives Ebersole, Betrozoff, R. Meyers, Holland, Bristow, Spanel, Wang, Kremen, Walker, May, Patrick, Miller, Ballard, Horn, D. Sommers, Youngsman, Ferguson, P. King, Pruitt and Basich

Increasing the number of recipients of awards for excellence in education.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ebersole and Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1468, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Wang - 1.

House Bill No. 1468, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1573, by Representatives Ebersole, Wang, Betrozoff, May, Appelwick, Heavey, Valle, Walker, Locke, Holland, Cole, Pruitt, Ferguson, Horn, Dorn, Winsley and Jacobsen

Regarding identification of levy reduction funds.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 52nd Day, March 1, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Education.

Mr. Peery moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Mr. Appelwick moved adoption of the following amendment:

On page 4, line 20, after "data," insert "Levy reduction funds shall not include moneys received by school districts from cities or counties."

Mr. Appelwick spoke in favor of adoption of the amendment, and it was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ebersole, Betrozoff and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1573, and the bill passed the House by the following vote: Yeas, 93; absent, 4; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Hine, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller,

Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Heavey, Holland, Prince, Pruitt - 4.

Excused: Representative Wang - 1.

Engrossed House Bill No. 1573, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1558 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1558, by Representatives Insee, P. King, Van Luven, Appelwick, Beck, Wineberry, Wood, Rector, Smith, Brekke, Baugher, Winsley, Leonard, Todd, Ballard, Nutley, Rayburn, Jacobsen, Hankins, Braddock, Grant, Locke, Brumsickle, Jesernig, Wang, Betrozoff, Wolfe, Brough, Horn, Basich, Bowman and Ferguson

Regulating use of steroids.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1558 was substituted for House Bill No. 1558, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1558 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Insee and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1558, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Wang - 1.

Substitute House Bill No. 1558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider the following bills on the regular second reading calendar in the following order: House Bill No. 1568, House Bill No. 1569, House Bill No. 1619, House Bill No. 1651, and House Bill No. 1661. The motion was carried.

HOUSE BILL NO. 1568, by Representatives Cooper, D. Sommers, Ebersole, Sprenkle, May, Pruitt and Ferguson

Revising requirements regarding procurement and solid waste disposal.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 1568 was substituted for House Bill No. 1568, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1568 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cooper and D. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1568, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Wang - 1.

Substitute House Bill No. 1568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1569, by Representatives Belcher, Locke, Holland and Sayan

Modifying the forest fire protection assessments.

The bill was read the second time. On motion of Ms. Belcher, Substitute House Bill No. 1569 was substituted for House Bill No. 1569, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1569 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Belcher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1569, and the bill passed the House by the following vote: Yeas, 90; nays, 4; absent, 3; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Horn, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Heavey, Inslee, Jesernig, Silver - 4.

Absent: Representatives Cantwell, Peery, Rust - 3.

Excused: Representative Wang - 1.

Substitute House Bill No. 1569, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Wang appeared at the bar of the House.

HOUSE BILL NO. 1619, by Representative Brekke

Revising treatment of alcoholism and other drug addiction.

The bill was read the second time. On motion of Mr. Bristow, Substitute House Bill No. 1619 was substituted for House Bill No. 1619, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1619 was read the second time.

Mr. Padden moved adoption of the following amendment by Representatives Padden and Brekke:

On page 2, line 5, strike "use of" and insert "addiction to"

Mr. Padden spoke in favor of adoption of the amendment, and it was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Brekke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1619, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Rust - 1.

Engrossed Substitute House Bill No. 1619, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1651, by Representatives Baugher, Chandler, McLean, Grant, Kremen, Jesernig, Rayburn, Rasmussen, Nealey, Braddock, Holland, Haugen, Beck, Zellinsky, Schmidt, Dorn, Basich, Raiter, Betzoff, D. Sommers, Smith, Tate, Gallagher, Silver, Hargrove, Fuhrman, Day, Moyer, Hankins, Wood, Brooks, Walker, R. Meyers, Prince, Prentice, S. Wilson, Ebersole, Crane, Youngsman, May, Ballard, Brumsickle, Bowman, Winsley, Rector, Spanel and Inslee

Authorizing counties, cities, and towns to elect to participate in state-wide flood plain management.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1651 was substituted for House Bill No. 1651, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1651 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Baugher, Ferguson and Betzoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1651, and the bill passed the House by the following vote: Yeas, 98.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1651, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1661, by Representatives Hine, G. Fisher, Valle and Heavey
Regulating the placement of electrical facilities.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1661 was substituted for House Bill No. 1661, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1661 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Hine and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1661, and the bill passed the House by the following vote: Yeas, 94; absent, 4.

Voting yeas: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Appelwick, Betzoff, Miller, Patrick - 4.

Substitute House Bill No. 1661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

My vote on Substitute House Bill No. 1661 should have been a "Yes" vote.

JOHN W. BETROZOFF, 45th District.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4637, by Representatives Rust and Cole

WHEREAS, March 12 through March 17, 1989 has been proclaimed National Girl Scout Week, celebrating 77 years in scouting; and

WHEREAS, The Girl Scouts were founded by Juliette Gordon Low on March 12, 1912; and

WHEREAS, In 1927, the first troop in Washington, a group of 14 young girls, met in Seattle and called themselves the Fir Trees and supported their activities through a book drive; and

WHEREAS, Seattle's Totem Council is celebrating its 25th Anniversary of helping girls enjoy the full potential the world has to offer; and

WHEREAS, Today, the Washington Girl Scouts organization is made up of 14,000 energetic and helpful young girls from all races, creeds and colors who strive to be good citizens in their communities, a sister to every Girl Scout and a good friend to all; and

WHEREAS, These thousands of girls are led by a group of 2,000 dedicated adult leaders who spend their time and energy working to promote self-confidence, good citizenship, respect for other people, including those from other countries and different backgrounds, respect for the environment, and to prepare them for successful careers and fruitful lives; and

WHEREAS, Every girl strives to uphold the Girl Scout motto of "Be Prepared"; and

WHEREAS, The Girl Scouts is changing with the times to bring girls information about current issues, such as drug and alcohol abuse and changing family patterns; and

WHEREAS, The Girl Scouts strive to maintain high self-esteem and respect for themselves and those around them;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognizes the substantial contribution by the Girl Scout organization to the health and well-being of young girls today; and

BE IT FURTHER RESOLVED, That the House of Representatives acknowledges that this week is National Girl Scout Week, marking the continued success of the organization; and

BE IT FURTHER RESOLVED, The copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Washington Girl Scouts President Susan McNab, Executive Director Dorothy Silkwood, and to all 26 members of the Board of Directors.

Ms. Rust moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4637 was adopted.

The Speaker declared the House to be at ease until 1:00 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 1:00 p.m.

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced that the House would immediately consider House Bill No. 1816 on the suspension calendar.

HOUSE BILL NO. 1816, by Representatives H. Sommers, Cole, R. Fisher and Winsley

Changing provisions for sureties for public works bonds.

The bill was read the second time.

Mr. Heavey moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Heavey spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1816.

Ms. Cole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1816, and the bill passed the House by the following vote: Yeas, 98.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inlee, Jacobsen, Jessernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1816, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1828, by Representatives Phillips, D. Sommers, Sayan, Winsley, Basich, Spanel, Rust, Brumsickle, Morris, Jones, Locke, Anderson, Jacobsen, Crane, Pruitt, Wineberry, Wang, P. King, Valle, Nelson, Cooper and G. Fisher

Prescribing financial responsibility for vessels that spill oil.

The bill was read the second time.

Ms. Valle moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Phillips spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1828.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1828, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Loven, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1828, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1857, by Representatives Rasmussen, Miller, Nelson, Hankins and Fraser

Regulating public water systems.

The bill was read the second time.

Mr. Todd moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Rasmussen spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1857.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1857, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Loven, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1857, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1889, by Representatives Appelwick, Sayan, Locke and Brekke

Providing immunity for certain public employees.

The bill was read the second time.

Mr. Crane moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Crane spoke in favor of the motion, and it was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1889.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1889, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1889, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House resume consideration of Substitute House Bill No. 1601 on the regular second reading calendar. The motion was carried. (See Morning Session for previous action.)

SUBSTITUTE HOUSE BILL NO. 1601, by Committee on Appropriations (originally sponsored by Representatives Peery, Schoon, K. Wilson, Cole, Valle, Jones, G. Fisher, P. King, Pruitt, Kremen, Winsley, Wang, Holland, Wineberry, Cooper, Jacobsen, H. Myers, Dorn, Basich and Phillips)

Establishing a school breakfast program.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Peery, Bowman, Valle, Schoon, Ebersole and Heavey spoke in favor of passage of the bill, and Representatives Moyer, Betzoff, Doty and Horn spoke against it. Mr. Betzoff again opposed the bill.

POINT OF INQUIRY

Mr. Peery yielded to question by Mr. Brooks.

Mr. Brooks: It is my understanding that this bill will not affect all schools, just a certain type of school in the state. Would you elaborate on that, please?

Mr. Peery: That is correct, Representative Brooks. The substitute bill before the House would require that, over a three-year period, only schools that have a forty percent or greater free and reduced lunch program, through the national school lunch program, would be asked to provide and be required to provide the breakfast program. Only those schools are required to do this.

Mr. Crane demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1601, and the bill passed the House by the following vote: Yeas, 85; nays, 13.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 85.

Voting nay: Representatives Baugher, Betzoff, Doty, Ferguson, Horn, Moyer, Nealey, Padden, Rayburn, Silver, Smith, Sommers D, Walk - 13.

Substitute House Bill No. 1601, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider the following bills on the regular second reading calendar in the following order: House Bill No. 1759, House Bill No. 1814, House Bill No. 1865, House Bill No. 2014, House Bill No. 1444, and House Bill No. 1741. The motion was carried.

HOUSE BILL NO. 1759, by Representatives Peery, Betzoff, Crane and Winsley
Creating the educational staff diversification act.

The bill was read the second time. On motion of Mr. Grant, Substitute House Bill No. 1759 was substituted for House Bill No. 1759, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1759 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Peery and Brumsickle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1759, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1759, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1814, by Representatives Phillips, Wineberry, Peery, Betzoff, Walker, G. Fisher, Holland, Valle, Ebersole, Winsley, Anderson, Wang, Locke, O'Brien, Miller, Nelson and Leonard

Creating the cultural diversity in-service training program for teachers.

The bill was read the second time. On motion of Mr. Grant, Substitute House Bill No. 1814 was substituted for House Bill No. 1814, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1814 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Phillips, Brumsickle and K. Wilson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1814, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1814, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1865, by Representatives Brough, Peery, Holland, Haugen, Betzoff, Sayan, Ballard, Cole, Winsley, Morris, Kremen and Todd

Limiting class size in grades kindergarten through three.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 52nd Day, March 1, 1989.)

Mr. Peery moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Brough and Horn spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Peery yielded to question by Mr. Nealey.

Mr. Nealey: Is this mandatory, that it has to be down to twenty-three? I would like to know how it affects our small schools.

Mr. Peery: The bill allows for two methods of determining compliance within the ratios of basic education. One method will still be that your ratios in kindergarten through third grade will be less than your ratios in fourth grade through twelfth grade. If you choose not to use that method, you would then have to demonstrate that you have an average of twenty-three certificated personnel assigned to the kindergarten through third grade within your buildings to be in compliance. This provides the alternative that would assure that you have used those resources toward kindergarten through third grade.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1865, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Velich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1865, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2014, by Representatives Peery, Locke, Valle, Winsley, Crane and O'Brien

Revising provisions for special education programs for handicapped children.

The bill was read the second time. On motion of Mr. Grant, Substitute House Bill No. 2014 was substituted for House Bill No. 2014, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2014 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Peery and Betzoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2014, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 2014, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1444, by Representatives Peery, Betzoff, G. Fisher, Holland, Walker, May, O'Brien, Locke, Winsley, Bowman, Moyer, Valle, Horn, D. Sommers, Ferguson, Wineberry, Rector, Prentice, R. King, Sprengle, Basich, Dorn, Rust, Todd and H. Myers; by request of Governor Gardner

Revising programs for students at risk.

The bill was read the second time. Committee on Education recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Education as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

On motion of Mr. Peery, Substitute House Bill No. 1444 was substituted for House Bill No. 1444, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1444 was read the second time.

Mr. Grant moved adoption of the committee amendment by Committee on Appropriations.

Ms. Walker moved adoption of the following amendments by Representatives Walker, K. Wilson, Jones, Peery, Cooper, Betzoff, Horn, Brumsickle, Rasmussen, Cole, Pruitt, Valle, Schoon, Fuhrman and Rayburn to the committee amendment:

On page 4, following line 27 of the amendment, insert:

"(7) Counseling for elementary students who are in need of learning assistance or who in the absence of counseling are likely to become in need of such learning assistance."

On page 7, line 2 of the amendment, following "programs" insert "including counseling programs"

Representatives Walker and G. Fisher spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Betzoff moved adoption of the following amendment by Representatives Betzoff, Brumsickle, Horn and Walker to the committee amendment:

On page 5, line 29 of the amendment, after "improve," strike all material through "directors" on line 36 and insert "districts may retain learning assistance funds based on statewide average of eligible students, or their present level, whichever is higher. This allocation method will be reviewed by the superintendent of public instruction for recommendations to the legislature by January 1, 1995"

Representatives Betzoff and G. Fisher spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Betzoff moved adoption of the following amendment by Representatives Betzoff, Horn, Walker and Peery to the committee amendment:

On page 10, line 15 of the amendment, after "schedules." insert "High schools are also encouraged to use research that has been proven effective and has produced significant outcomes in working with potential dropouts and dropouts."

Representatives Betzoff and G. Fisher spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Betrozoff moved adoption of the following amendment by Representatives Betrozoff, Brumsickle, Horn, Walker and Peery to the committee amendment:

On page 11, line 8 of the amendment, after "conditions," insert "Basic education funding allocations from the state shall follow the students."

Mr. Betrozoff spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Betrozoff moved adoption of the following amendment by Representatives Betrozoff, Brumsickle, Horn, Walker and Peery to the committee amendment:

On page 15, line 8 of the amendment, strike Sec. 13.

Mr. Betrozoff spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The Clerk read the following amendment by Representatives Pruitt, Betrozoff, Phillips, Dorn, G. Fisher, P. King, Rasmussen, Rayburn, R. Meyers, Holland, Horn, Valle, Jones, Sprengle, Cole, Brumsickle, Walker and K. Wilson to the committee amendment:

On page 15, after line 12 of the amendment, strike all material through "1989." on line 30 and insert the following:

"Sec. 14. Section 7, chapter 401, Laws of 1987 and RCW 28A.100.017 are each amended to read as follows:

(1) ~~(The superintendent of public instruction)~~ Pursuant to RCW 28A.100.019, the state board of education may select up to ten school districts, from among districts interested and submitting written grant applications, to field test the educational outcomes and related measures developed pursuant to RCW 28A.100.013. Priority shall be given to selecting three projects from among school districts proposing to implement an outcome-based developmental model. The schools and school districts participating in the schools for the twenty-first century program under RCW 28A.100.030 through 28A.100.038 are encouraged to apply to participate in the educational outcomes field test. Such schools or school districts may satisfy the requirement for evaluation and accountability of their schools for the twenty-first century program set forth in RCW 28A.100.038(6) by means of participation in the field test.

(2) ~~The (superintendent)~~ state board of education shall select the school districts by June 30, 1989, and the field tests shall begin with the 1989-90 school year and conclude at the end of the 1992-93 school year.

(3) The state board of education, where appropriate, or the superintendent of public instruction, where appropriate, is authorized to grant waivers to pilot project districts from the provisions of statutes or administrative rules relating to: The length of the school year; teacher contact hour requirements; program hour offerings; student-to-teacher ratios; salary lid compliance requirements; the commingling of funds appropriated by the legislature on a categorical basis for such programs as, but not limited to, education of highly capable students, transitional bilingual instruction, and learning assistance; or other administrative rules which, in the opinion of the state board of education or the superintendent of public instruction, may need to be waived to implement a pilot project proposal. State rules dealing with public health, safety, and civil rights, including accessibility by the handicapped, shall not be waived. A school district may request the state board of education or the superintendent of public instruction to ask the United States department of education or other federal agencies to waive certain federal regulations as necessary to fully implement a proposed pilot project.

(4) ~~Each selected school district shall submit annually to the (superintendent of public instruction)~~ state board of education a report on its educational outcomes field test project.

~~((4))~~ (5) The superintendent of public instruction and the state board of education shall report to the legislature by December 1, 1990, on the preliminary results of the field tests of educational outcomes and related measures. In preparing the preliminary report, the superintendent and the state board shall consult with the higher education coordinating board, higher education institutions, and other affected agencies on strategies for replacing the use of carnegie units or seat time with the use of core competencies for measuring student performance, including critical thinking skills. The findings of this review shall be included in the preliminary report.

(6) The superintendent of public instruction and the state board of education shall report to the legislature by ((January 1, 1994:)) December 1, 1993, on the results of the field tests of the educational outcomes and related measures. The report shall include a recommendation on whether the outcomes and related measures should be implemented on a state-wide basis. The report shall also include, if the educational outcomes and related measures are judged to be beneficial, a recommendation on whether selected provisions of state statutes or regulations should be amended or repealed if such action would enhance the benefits of the educational outcomes and related measures.

(7) The superintendent of public instruction shall establish an outcome-based education advisory committee. The committee shall be comprised of one representative from each of the

selected field test projects and two representatives from the former temporary committee on the assessment and accountability of educational outcomes.

The committee shall provide advice to the state board on the selection of schools or districts to field test the educational outcomes developed under RCW 28A.100.013 and to assist the state board and the superintendent of public instruction with the implementation and monitoring of the field test projects.

NEW SECTION. Sec. 15. For use in field testing outcome measurements in ten schools or school districts pursuant to RCW 28A.100.017, and subject to moneys being appropriated for this purpose, the superintendent of public instruction shall develop a model writing assessment program at three grade levels, definitions and measurements of key curriculum concepts and skills, a determination of what constitutes mastery, a follow-up survey and training package for a study of high school graduates, uniform reporting forms for data collection and display, and an instrument for identifying successful schools. No more than eighteen thousand dollars from any such appropriation may be used for expenses of the outcome-based advisory committee established under RCW 28A.100.017."

Renumber the remaining sections consecutively and correct internal references accordingly.

With consent of the House, Mr. Pruitt withdrew the amendment.

Mr. Betzoff moved adoption of the following amendment by Representatives Betzoff, Rasmussen, Pruitt, P. King, Brumsickle, Horn, Walker, Cole, Dorn and Peery to the committee amendment:

On page 18, line 33 of the amendment, insert the following:

"NEW SECTION. Sec. 17. The superintendent of public instruction is empowered to establish outcomes based learning assistance education recognition awards for the recognition of schools in school districts that have shown significant and continuous improvement in student basic skills performance, as well as other desired outcomes identified by the school district and community. The superintendent of public instruction shall adopt rules in accordance with chapter 34.05 RCW that provide for the allocation of funds to school district applicants on such conditions as the superintendent of public instruction deems to be in the best interest of the public school system."

Renumber following sections consecutively and correct internal references accordingly.

Mr. Betzoff spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The committee amendment as amended was adopted.

With consent of the House, the following amendment by Representatives Betzoff, Brumsickle, Horn, Walker and Peery to the committee amendment to the title was adopted:

On page 19, line 19 of the amendment, after "28A.02.061;" strike "adding new sections to chapter 28A.120 RCW:"

On motion of Mr. Grant, the committee amendment to the title as amended was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Peery, Betzoff, Wineberry and Valle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1444, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1444, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

Mr. Heavey moved that the House defer consideration of House Bill No. 1741 and that the bill hold its place on the regular second reading calendar. The motion was carried.

Mr. Heavey moved that the House immediately consider the following bills on the regular second reading calendar in the following order: House Bill No. 1430, House Bill No. 2016, House Bill No. 2020, and House Bill No. 2161. The motion was carried.

HOUSE BILL NO. 1430, by Representatives Jacobsen, Miller, Spanel, Belcher, Brough, G. Fisher, Peery, Cole, Van Luven, Appelwick, Locke, R. King, K. Wilson, Anderson, Ebersole, Grant, Hine, Holland, Kremen, Wineberry, Wang, Wood, Leonard, Prentice, Pruitt, Dellwo, Basich, Dorn, Brekke, Morris, Todd and Phillips

Requiring gender equality in higher education.

The bill was read the second time. On motion of Mr. Jacobsen, Substitute House Bill No. 1430 was substituted for House Bill No. 1430, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1430 was read the second time.

Mr. Jacobsen moved adoption of the following amendment by Representatives Jacobsen and Miller:

On page 3, beginning on line 5, after "females," strike all material through "sex." on line 7.

Representatives Jacobsen and Miller spoke in favor of adoption of the amendment, and it was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jacobsen, Miller and Heavey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1430, and the bill passed the House by the following vote: Yeas, 98.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1430 having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2016, by Representatives Miller, Jacobsen, Spanel, Heavey, Wood, Belcher, H. Myers, Inslee, Rector, Hankins, Anderson, O'Brien, R. King, Valle, Winsley, Jesernig, P. King and Kremen

Requiring a conference on gender equity in athletics.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Miller spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2016, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Beck - 1.

House Bill No. 2016, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2020, by Representatives Jacobsen, Miller, Spanel, Heavey, Wood, Belcher, Rector, Hankins, Anderson, O'Brien, R. King, Winsley, Jesernig, P. King, Pruitt, K. Wilson, Patrick, Leonard and Nutley

Providing tuition and fee waivers for intercollegiate athletes to achieve gender equity.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Higher Education as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

On motion of Mr. Jacobsen, Substitute House Bill No. 2020 was substituted for House Bill No. 2020, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2020 was read the second time.

Mr. Locke moved adoption of the committee amendment by Committee on Appropriations and spoke in favor of it.

Ms. H. Sommers moved adoption of the following amendment by Representatives H. Sommers, Miller, Silver, Van Luven, Dorn, Jacobsen, Hine and Wood to the committee amendment:

On page 1, after line 6 of the amendment, strike everything through and including "RCW." on page 6, line 11 and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the ratio of women to men in intercollegiate athletics in Washington's higher education system is inequitable. It is the intent of the legislature, through additional tuition and fee waivers, to achieve gender equity in intercollegiate athletics.

Sec. 2. Section 1, chapter 262, Laws of 1979 ex. sess. as last amended by section 3, chapter 232, Laws of 1986 and RCW 28B.15.740 are each amended to read as follows:

(1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education, may waive, in whole or in part, tuition and services and activities fees subject to the limitations set forth in subsections (2) and (3).

(2) Except as provided in subsection (3) of this section, the total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed four percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs: PROVIDED

FURTHER. That the waivers for undergraduate and graduate students of foreign nations under RCW 28B.15.556 are not subject to the limitation under this section.

(3) In addition to the tuition and fee waivers provided in subsection (2) of this section, a total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, not to exceed one percent, as calculated in subsection (2) of this section, may be used for the purpose of achieving or maintaining gender equity in intercollegiate athletic programs. At any institution that has an underrepresented gender class in intercollegiate athletics, any such waivers shall be awarded:

(a) First, to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; and

(b) Second, (i) to nonmembers of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for members of the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; or (ii) to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers do not result in any saved or displaced money that can be used for athletic programs for members of the underrepresented gender class.

NEW SECTION. Sec. 3. Institutions of higher education shall strive to accomplish the following goals:

(1) Provide the following benefits and services equitably to male and female athletes participating in intercollegiate athletic programs: Equipment and supplies; medical services; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; scholarships and other forms of financial aid; conditioning programs; laundry services; assignment of game officials; opportunities for competition, publicity, and awards; and scheduling of games and practice times, including use of courts, gyms, and pools. Each institution which provides showers, toilets, lockers, or training room facilities for athletic purposes shall provide access to comparable facilities for both males and females.

(2) Provide equitable intercollegiate athletic opportunities for male and female students including opportunities to participate and to receive the benefits of the services listed in subsection (1) of this section.

(3) Provide participants with female and male coaches and administrators to act as role models.

NEW SECTION. Sec. 4. (1) An institution of higher education may grant waivers for the purpose of achieving gender equity in intercollegiate athletic programs as authorized in section 2 of this act, for the 1989-90 academic year only if the institution's governing board has adopted a plan for complying with the provisions of section 3 of this act and submitted the plan to the higher education coordinating board.

(2) Beginning in the 1990-91 academic year, an institution of higher education shall not grant any waiver for the purpose of achieving gender equity in intercollegiate athletic programs as authorized in section 2 of this act unless the institution's plan has been approved by the higher education coordinating board.

(3) The plan shall include, but not be limited to:

(a) For any institution with an underrepresented gender class, provisions that ensure that by July 1, 1994, the institution shall provide athletic opportunities for the underrepresented gender class at a rate that meets or exceeds the rate at which that class participates in high school interscholastic athletics in Washington state not to exceed the point at which the underrepresented gender class is no longer underrepresented;

(b) Activities to be undertaken by the institution to increase participation rates of any underrepresented gender class in interscholastic and intercollegiate athletics. These activities may include, but are not limited to: Sponsoring equity conferences, coaches clinics and sports clinics; and taking a leadership role in working with athletic conferences to reduce barriers to participation by those gender classes in interscholastic and intercollegiate athletics;

(c) An identification of barriers to achieving and maintaining equitable intercollegiate athletic opportunities for men and women; and

(d) Measures to achieve institutional compliance with the provisions of section 3 of this act.

NEW SECTION. Sec. 5. (1) The higher education coordinating board shall report biennially, beginning December 1990, to the governor and the house of representatives and senate committees on higher education, on institutional efforts to comply with the requirements of sections 2 through 4 of this act. Each report shall include recommendations on measures to assist institutions with compliance. The first report shall also include a recommendation on whether to grant this waiver authority to community college governing boards.

(2) Before the board makes its report in December 1994, the board shall assess the extent of institutional compliance with the requirements of sections 2 through 4 of this act. The 1994 report shall include a recommendation on whether to continue this waiver authority.

NEW SECTION. Sec. 6. (1) As used in and for the limited purposes of sections 1 and 3 through 5 of this act and RCW 28B.15.740, 'underrepresented gender class' means female students or male students, where the ratio of participation of female or male students, respectively, in intercollegiate athletics is less than approximately the ratio of female to male students or male to female students, respectively, enrolled as undergraduates at an institution.

(2) As used in and for the limited purpose of subsection 4(b) of this act, an 'underrepresented gender class' in interscholastic athletics means female students or male students, where the ratio of participation of female or male students, respectively, in K-12 interscholastic athletics is less than approximately the ratio of female to male students or male to female students, respectively, enrolled in K-12 public schools in Washington.

NEW SECTION. Sec. 7. Nothing in this act shall be construed to excuse any institution from any more stringent requirement to achieve gender equity imposed by law, nor to permit any institution to decrease participation of any underrepresented gender class.

NEW SECTION. Sec. 8. Sections 1 and 3 through 6 of this act are each added to chapter 28B.15 RCW.

NEW SECTION. Sec. 9. This act shall expire on June 30, 1995."

Representatives H. Sommers, Jacobsen, Miller, Braddock and Wineberry spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The committee amendment as amended was adopted.

On motion of Ms. H. Sommers the following amendment by Representatives H. Sommers, Miller, Silver, Van Luven, Dorn, Jacobsen, Hine and Wood to the committee amendment to the title was adopted:

On page 1, line 2 of the title, after "equity;" strike the remainder of the title and insert "amending RCW 28B.15.740; adding new sections to chapter 28B.15 RCW; creating a new section; and providing an expiration date."

With consent of the House, the committee amendment as amended to the title was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jacobsen, Van Luven, Miller, Hine, Heavey, Jacobsen and Cole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2020, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insløe, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngman, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2020, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2161, by Representatives Jacobsen, Prince, Rayburn, Grant, Doty, Heavey, P. King, Miller, Jesernig and Van Luven

Amending the distinguished professorship trust program.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jacobsen and Van Luven spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2161, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 2161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider the following bills on the regular second reading calendar in the following order: House Bill No. 1711, House Bill No. 1836, House Bill No. 1870, House Bill No. 1073, House Bill No. 1196, House Bill No. 1154, and House Joint Resolution No. 4203. The motion was carried.

HOUSE BILL NO. 1711, by Representatives Cole, R. King, Winsley, Jacobsen, Wood, Wang, Patrick, Anderson, Wineberry, Walker and Todd

Creating a crime prevention employee training program for businesses during late night hours.

The bill was read the second time. On motion of Mr. Vekich, Substitute House Bill No. 1711 was substituted for House Bill No. 1711, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1711 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cole and Walker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1711, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1711, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1836, by Representatives Schoon, Rust, Winsley, Pruitt, G. Fisher, Doty, Dorn, Rasmussen, Brumsickle, Fraser, Youngsman, Walk and Valle

Revising restrictions for smoking in public places.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 47th Day, February 24, 1989.)

Ms. Rust moved adoption of the committee amendment. Representatives Rust and Schoon spoke in favor of adoption of the committee amendment, and it was adopted.

Mr. Sprenkle moved adoption of the following amendment by Representatives Sprenkle, Braddock, Fraser, Spanel, Cole, Chandler, Peery, Bristow, Smith, Padden, G. Fisher, Moyer, Ferguson and Wolfe:

On page 2, after line 18, insert the following:

NEW SECTION. Sec. 2. In order to avoid obstruction and congestion of public ways and places, to protect pedestrians from annoyance and invasion of privacy, and to avoid facilitating the availability of cigarettes or other tobacco smoking products to minors, no person in the business of selling or otherwise distributing cigarettes or other tobacco smoking products for commercial purposes, or any agent or employee, shall in the course of business, distribute cigarettes or other tobacco smoking products free or at nominal cost to any person on a public street or sidewalk, in a public park or playground, or in any other public ground or public building.

NEW SECTION. Sec. 3. Any person who violates section 2 of this act shall be punished by a fine of not less than twenty nor more than fifty dollars for each violation. Every hour or part thereof in which a person engages in the conduct prohibited by section 2 of this act shall constitute a single and separate violation.

NEW SECTION. Sec. 4. A private cause of action shall accrue to any person desiring to enjoin a violation of section 2 of this act by any other person. Any person bringing suit to seek such injunction shall, if successful, be entitled to the payment of court costs and attorney fees.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. Sections 2 through 4 of this act are each added to chapter 70.160 RCW."

POINT OF ORDER

Ms. Miller: Thank you, Mr. Speaker. I wish to have the Speaker rule on the scope and object of this amendment.

MOTION

Mr. Heavey moved that the House defer further consideration of House Bill No. 1836 and that the bill hold its place on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1870, by Representatives Vekich, Patrick, Ebersole, Holland, Dorn, R. Meyers, Jones, R. King, Cooper, Winsley, Rector, P. King, Prentice, Kremen, Leonard, Spanel, Rust, Phillips, Basich, Todd and G. Fisher

Providing employment protection for classified school employees.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 40th Day, February 17, 1989.)

Mr. Vekich moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Mr. Holland moved adoption of the following amendment by Representatives Holland, Leonard, Vekich, Smith and Peery:

On page 1, line 12, after "positions" insert ", unless the positions are vacant through bona fide voluntary retirement, transfer, or resignation."

Representatives Holland and Vekich spoke in favor of adoption of the amendment, and it was adopted.

Mr. Peery moved adoption of the following amendments by Representatives Peery, Holland and Leonard:

On page 1, at the beginning of line 7, insert "(1)"

On page 1, after line 13, insert the following:

"(2) This section shall not apply to the purchase of services by contract with educational service districts under RCW 28A.21.086, pursuant to cooperative projects under RCW 28A.100-.082 through 28A.100.092, or with other school districts, if the school district classified employees whose employment is affected by the contract are transferred to comparable positions with the educational service district or another school district."

Mr. Peery spoke in favor of adoption of the amendments, and they were adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Vekich, Holland and Day spoke in favor of passage of the bill, and Representatives Chandler, Fuhrman, Pruitt and Schoon opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1870, and the bill passed the House by the following vote: Yeas, 63; nays, 35.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Cantwell, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Raiter, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 63.

Voting nay: Representatives Ballard, Beck, Betzoff, Bowman, Brekke, Bristow, Brooks, Brough, Brunsickle, Chandler, Cole, Doly, Ferguson, Fisher R, Fuhrman, Hankins, Horn, May, McLean, Moyer, Nealey, Padden, Prince, Pruitt, Rasmussen, Schoon, Silver, Smith, Sommers D, Tate, Van Luvan, Walker, Wolfe, Wood, Youngsman - 35.

Engrossed House Bill No. 1870, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

On March 14, 1989, my vote regarding final passage of Engrossed House Bill No. 1870 was recorded as a "No." My intentions were to vote "Yes."

STEVE VAN LUVEN, 48th District.

HOUSE BILL NO. 1073, by Representatives Vekich, Patrick, Wang, R. King, Prentice, Leonard, Sayan, Winsley, Jacobsen, Belcher, Jones, Miller and Wolfe; by request of Department of Labor and Industries

Extending industrial welfare laws for agricultural labor.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 26th Day, February 3, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Commerce & Labor.

Mr. Vekich moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

On motion of Mr. Vekich, the committee amendments to the title were adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Vekich and Cole spoke in favor of passage of the bill, and Representatives Nealey and Smith opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1073, and the bill passed the House by the following vote: Yeas, 75; nays, 23.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Myers H, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Scott, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 75.

Voting nay: Representatives Ballard, Baugher, Betzozoff, Bowman, Brooks, Brumsickle, Chandler, Doty, Fuhrman, Grant, McLean, Morris, Moyer, Nealey, Padden, Prince, Rayburn, Schoon, Silver, Smith, Sommers D, Wolfe, Youngsman - 23.

Engrossed House Bill No. 1073, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1196, by Representatives Dellwo, Chandler, Nutley, Winsley and K. Wilson; by request of Insurance Commissioner

Regulating cancellation of contracts between insurers and agents.

The bill was read the second time.

Mr. Dellwo moved adoption of the following amendments:

On page 1, line 29, after "standards" insert "and the insurer has no other valid reason for nonrenewal"

On page 2, line 5, after "valid" strike "underwriting"

Mr. Dellwo spoke in favor of adoption of the amendments, and they were adopted.

Ms. K. Wilson moved adoption of the following amendment:

On page 2, line 9, after "In those cases" insert "and unless the terminated agent has placed that book of business with another agent of the insurer"

Ms. K. Wilson spoke in favor of adoption of the amendment, and it was adopted.

Mr. Dellwo moved adoption of the following amendment:

On page 3, line 1, after "business is" strike all material to and including "insurers" on line 2 and insert "not owned by the agent"

Mr. Dellwo spoke in favor of adoption of the amendment, and it was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dellwo and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1196, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Meyers R - 1.

Engrossed House Bill No. 1196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House defer consideration of House Bill No. 1154 and that the bill hold its place on the regular second reading calendar. The motion was carried.

HOUSE JOINT RESOLUTION NO. 4203, by Representatives Cooper, Horn, Haugen, Ferguson, Phillips, Rayburn, Raiter, Wood, Wolfe, Nutley, Doty, Hine and Nelson

Amending the Constitution to alter the requirements for changing county boundaries.

The resolution was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 19th Day, January 27, 1989.)

Ms. Haugen moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

The resolution was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Mr. Cooper spoke in favor of the resolution

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Resolution No. 4203, and the resolution passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Specker - 98.

Engrossed House Joint Resolution No. 4203, having received the constitutional majority, was declared passed.

MOTION

Mr. Heavey moved that the House immediately consider the following bills on the regular second reading calendar in the following order: House Bill No. 2129, House Bill No. 1979, House Bill No. 2011, House Bill No. 2066, House Bill No. 2075, and House Bill No. 2076. The motion was carried.

HOUSE BILL NO. 2129, by Representatives Locke, R. Fisher, Brough, Prince, Cantwell, Ebersole, Belcher, Wang, Prentice, Leonard, Wineberry, Vekich and Anderson

Promoting diverse cultures and languages in Washington.

The bill was read the second time.

Mr. Chandler moved adoption of the following amendments:

On page 1, line 18, after "state" strike the material through "state." on line 27 and insert "acknowledges the vital policy of promoting a single, unifying language, namely the English language. Therefore, the legislature and officials of the state of Washington shall take all steps necessary to ensure that the English language and the role it has played as the common language of the state of Washington are preserved, protected, strengthened, and perpetuated. The legislature shall make no law which diminishes or ignores the English language or the role it has played as the common language of the state of Washington."

(6) Any person who is a resident of or doing business in the state of Washington shall have standing to sue the state of Washington to enforce subsection (5), and the courts of record of the state of Washington shall have jurisdiction to hear cases brought to enforce this section."

On page 1, line 28, after "Sec. 2." strike "Nothing" and insert "Except for subsection (5) of section 1 of this act, nothing"

Representatives Chandler and Padden spoke in favor of adoption of the amendments, and Representatives Locke, Cantwell and Prentice opposed them. The amendments were not adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Locke, Chandler, Wineberry, Heavey, Anderson and Prentice spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2129, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 2129, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1979, by Representatives Haugen, Wood and Cooper

Authorizing cities and towns to compel sewer hookups with regard to property outside of city or town boundaries.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1979 was substituted for House Bill No. 1979, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1979 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen, Ferguson and Horn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1979, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1979, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2011, by Representative R. King

Changing provisions regulating commercial fishing licenses.

The bill was read the second time. On motion of Mr. R. King, Substitute House Bill No. 2011 was substituted for House Bill No. 2011, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2011 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. King and S. Wilson spoke in favor of passage of the bill.

The Speaker resumed the Chair.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2011, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Absent: Representative O'Brien - 1.

Substitute House Bill No. 2011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House defer consideration of House Bill No. 2066 and that the bill hold its place on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 2075, by Representatives Cantwell, S. Wilson, Wood, Walk, Heavey, Prince, K. Wilson, Sprenkle, Ferguson, Nelson and Spanel

Permitting local governments to have a twenty-four hour headlight policy.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

Mr. Baugher moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Cantwell spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2075, and the bill passed the House by the following vote: Yeas, 93; nays, 2; absent, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brough, Brumsickle, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives May, Vekich - 2.

Absent: Representatives Brooks, Cole, Fuhrman - 3.

Engrossed House Bill No. 2075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2076, by Representatives Pruitt, Fraser, G. Fisher, Phillips and Brekke

Collecting a tire disposal fee per vehicle per year at the time of vehicle registration.

The bill was read the second time. On motion of Mr. Pruitt, Substitute House Bill No. 2076 was substituted for House Bill No. 2076, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2076 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Pruitt, May, Fraser and Wang spoke in favor of passage of the bill, and Representatives Zellinsky, Chandler and Hargrove opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2076, and the bill passed the House by the following vote: Yeas, 72; nays, 21; absent, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Brumsickle, Cantwell, Cole, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hankins, Haugen, Hine, Holland, Jacobsen, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Scott, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 72.

Voting nay: Representatives Baugher, Beck, Brooks, Chandler, Cooper, Crane, Fuhrman, Hargrove, Heavey, Insee, Jesernig, Jones, King P, Myers H, Nealey, Padden, Rayburn, Schoon, Smith, Van Luven, Zellinsky - 21.

Absent: Representatives Betzoff, Doty, Gallagher, Horn, Silver - 5.

Substitute House Bill No. 2076, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider the following bills on the regular second reading calendar in the following order: House Bill No. 2158, House Bill No. 1055, House Bill No. 1068, House Bill No. 1078, House Bill No. 1097, House Bill No. 1172, House Bill No. 1183, and House Bill No. 1189. The motion was carried.

HOUSE BILL NO. 2158, by Representatives Rasmussen, Schoon, H. Sommers, Locke, P. King, Wineberry, Winsley, Ferguson, Heavey, Fraser and Vekich

Including comprehensive cancer center in the definition of a health care facility.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Rasmussen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2158, and the bill passed the House by the following vote: Yeas, 93; absent, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Heavey, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker,

Wang, Wilson K. Wilson S. Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Ebersole, Grant, Hine, Locke, Rust - 5.

House Bill No. 2158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1055, by Representatives R. Fisher, Chandler, Zellinsky, Fraser, D. Sommers and Smith

Financing fire protection for state-owned buildings.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 19th Day, January 27, 1989.)

Ms. R. Fisher moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1055, and the bill passed the House by the following vote: Yeas, 98.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Saryan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1068, by Representatives Dellwo, May, Nutley, R. Meyers, Ferguson, Chandler, Winsley, Inslee, Rector, Wang, Belcher, Kremen, Moyer, D. Sommers, Wolfe, Crane, Schoon and Betrozoff; by request of Insurance Commissioner

Regulating automobile rental liability.

The bill was read the second time. On motion of Mr. Dellwo, Substitute House Bill No. 1068 was substituted for House Bill No. 1068, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1068 was read the second time.

Mr. Zellinsky moved adoption of the following amendments by Representatives Zellinsky, Winsley, Chandler, Dorn and Day:

On page 3, line 26, strike "and"

On page 3, line 28, after "driving" insert the following:

": and

(j) Damage occurring from the use of vehicle snow chains or vehicle roof racks"

Representatives Zellinsky and Chandler spoke in favor of adoption of the amendments, and Mr. Dellwo opposed them. The amendments were not adopted.

Mr. Zellinsky moved adoption of the following amendments by Representatives Zellinsky, Winsley, Chandler, Dorn and Day:

On page 3, line 26, strike "and"

On page 3, line 28, after "driving" insert the following:

": and

(j) Damage occurring while the vehicle is being operated on a road posted as being primitive or hazardous because of road bed conditions"

Representatives Zellinsky, Dellwo, Chandler and May spoke in favor of adoption of the amendments, and Mr. Fuhrman opposed them. The amendments were not adopted.

Mr. Zellinsky moved adoption of the following amendments by Representatives Zellinsky, Winsley, Chandler, Dorn and Day:

On page 5, line 10, after "deposit" insert "for an amount more than three hundred dollars"
On page 5, line 11, after "deposit" insert "for an amount more than three hundred dollars"

Representatives Zellinsky and Winsley spoke in favor of adoption of the amendments, and Mr. Dellwo opposed them. The amendments were not adopted.

Mr. Zellinsky moved adoption of the following amendment by Representatives Zellinsky, Winsley, Chandler, Dorn and Day:

On page 5, line 34, after "for" strike "authorized drivers" and insert "the spouse of an authorized driver"

Representatives Zellinsky and Chandler spoke in favor of adoption of the amendment, and Representatives Dellwo and May opposed it. The amendment was not adopted.

Mr. P. King moved adoption of the following amendment by Representatives P. King, Anderson, May, Betzoff, Beck and Heavey:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The ability to rent private passenger automobiles at a reasonable price and upon reasonable terms is vital to promoting tourism and business in Washington. The public interest is adversely affected when consumers must agree to unreasonable terms or pay more than necessary to protect the interests of the rental vehicle owner from damage caused by the renter. The legislature finds that the legitimate interests of renters and rental vehicle owners are served by prohibiting private passenger automobile rental companies from imposing liability upon renters, subject to certain specified exceptions, and from selling collision damage waivers in connection with private passenger automobile rental agreements of no more than thirty-one continuous days.

NEW SECTION. Sec. 2. Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Rental company' means a person or organization in the business of providing private passenger motor vehicles to the public through the use of a rental agreement.

(2) 'Renter' means a person or organization obtaining the use of a private passenger automobile from a rental company under the terms of a rental agreement.

(3) 'Rental agreement' means a written agreement setting forth the terms and conditions governing the use of a private passenger motor vehicle provided by a rental company for no more than thirty-one continuous days, which agreement excludes the use of the vehicle to carry persons or property for hire.

(4) 'Damage' means any damage or loss to the rented vehicle, including loss of use and any costs and expenses incident to the damage or loss.

(5) 'Private passenger automobile' or 'vehicle' means a motor vehicle of the private passenger or station wagon type, including passenger vans and minivans that are primarily intended for transport of persons.

(6) 'Authorized driver' means the person to whom the vehicle is rented and, if a licensed driver and satisfying the company's minimum age requirement:

(a) The spouse of such person;

(b) The renter's employer, employee, or coworker if engaged in business activity with the renter; and

(c) A person expressly listed by the rental company on the rental agreement as an authorized driver.

NEW SECTION. Sec. 3. (1) No rental company may, in any rental agreement, hold an authorized driver liable for any damage, except where:

(a) The damage is caused intentionally by an authorized driver or as a result of his or her willful and wanton misconduct;

(b) The damage arises from the authorized driver's operation of the vehicle while illegally intoxicated or under the influence of an illegal drug as defined or determined under the law of the state where the damage occurred;

(c) The damage is caused while the authorized driver is engaged in a speed contest;

(d) The rental transaction is based on false or incomplete information supplied by the renter with the intent to defraud the rental company;

(e) The damage arises from the use of the vehicle while committing or otherwise engaged in a criminal act in which the vehicle usage is substantially related to the criminal activity; or

(1) The damage arises from the use of the vehicle outside the United States or Canada, unless that use is specifically authorized by the rental agreement.

(2) An authorized driver is not responsible for the acts of a person who drives or moves the vehicle because of an emergency situation or for the acts of a person to whom the vehicle is entrusted for parking or servicing of the vehicle in a municipal or public lot or commercial establishment open to the public.

(3) A rental company may bring an action for damages arising from the use of a vehicle subject to a rental agreement against a renter or authorized driver who is a resident of the United States only in the state and county of the renter's or authorized driver's primary residence.

(4) The rental company may not request or require a deposit or other security for damage to the vehicle during the rental period or pending resolution of any dispute.

(5) No rental company, in connection with a rental agreement subject to this chapter may offer, or provide for, the elimination of any of the exceptions listed in subsection (1) (a) through (f) of this section, if the renter is required to pay a fee or consideration in excess of the standard price for the rental agreement to obtain elimination of the exceptions.

NEW SECTION. Sec. 4. A violation of this chapter is an unfair method of competition and an unfair or deceptive act or practice in the conduct of a trade or commerce, as specifically contemplated by RCW 19.86.020, and is a violation of the Consumer Protection Act, chapter 19.86 RCW. A renter or authorized driver injured as a result of a violation of this chapter may maintain an action pursuant to chapter 19.86 RCW against the rental company and is entitled to all of the rights and remedies afforded by that chapter. A successful claimant under this section is also entitled to reasonable attorneys' fees.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 6. This act shall take effect on September 1, 1989."

Representatives P. King, May and Dellwo spoke in favor of adoption of the amendment, and Representatives Zellinsky, K. Wilson, Schmidt and Winsley opposed it. Mr. P. King again spoke in favor of the amendment.

The Speaker stated the question before the House to be the adoption of the amendment by Representative P. King and others to Substitute House Bill No. 1068.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 58; Nays - 39. The amendment was adopted.

With consent of the House, the following amendment to the title by Representatives P. King, Anderson, May, Betrozoff, Beck and Heavey was adopted:

On line 1 of the title, after "rentals;" strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; and providing an effective date."

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dellwo and May spoke in favor of passage of the bill, and Representatives Chandler, Schmidt, Zellinsky, K. Wilson and Day opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1068, and the bill passed the House by the following vote: Yeas, 50; nays, 46; absent, 2.

Voting yea: Representatives Anderson, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Dellwo, Doty, Fisher G, Fraser, Gallagher, Haugen, Hine, Holland, Horn, Inslie, Jacobsen, Jones, King P, King R, Leonard, May, Meyers R, Morris, Moyer, Myers H, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rector, Rust, Sayan, Schoon, Scott, Sommers H, Spanel, Todd, Vekich, Wang, Wineberry, Wolfe, Wood, and Mr. Speaker - 50.

Voting nay: Representatives Ballard, Basich, Baugher, Beck, Betrozoff, Bowman, Bristow, Brough, Brumsickle, Chandler, Day, Dorn, Ebersole, Ferguson, Fisher R, Fuhrman, Grant, Hankins, Hargrove, Heavey, Jesernig, Kremen, Locke, McLean, Miller, Nealey, Nelson, Padden, Prince, Rasmussen, Rayburn, Schmidt, Silver, Smith, Sommers D, Sprenkle, Tate, Valle, Van Luven, Walk, Walker, Wilson K, Wilson S, Winsley, Youngsman, Zellinsky - 46.

Absent: Representatives Appelwick, Brooks - 2.

Engrossed Substitute House Bill No. 1068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House recess until 6:00 p.m. The motion was carried.

EVENING SESSION

The Speaker (Mr. Wang presiding) called the House to order at 6:00 p.m. The Clerk called the roll and all members were present except Representatives Ballard, Baugher, Bristow, Ebersole, R. Fisher, Jesernig, P. King, O'Brien, Sprengle, Youngsman and Mr. Speaker.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1993 on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1993, by Representatives Rasmussen, Nealey, Dorn, Rayburn, McLean, Baugher, Youngsman and Kremen

Specifying labeling requirements for uncooked poultry.

The bill was read the second time.

Ms. Rasmussen moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Rasmussen spoke in favor of the motion, and it was carried.

The Speaker (Mr. Wang presiding) stated the question before the House to be the final passage of House Bill No. 1993.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1993, and the bill passed the House by the following vote: Yeas, 87; absent, 11.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, Fisher G, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Zellinsky - 87.

Absent: Representatives Ballard, Baugher, Bristow, Ebersole, Fisher R, Jesernig, King P, O'Brien, Sprengle, Youngsman, and Mr. Speaker - 11.

House Bill No. 1993, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Ballard, Baugher, Sprengle and Youngsman appeared at the bar of the House.

STATEMENT FOR THE JOURNAL

I missed the vote on Engrossed House Bill No. 1993. Had I been there I would have voted "Yea" on the bill.

JIM YOUNGSMAN, 40th District.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1983 on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1983, by Representatives Appelwick, P. King and Crane

Revising laws on contempt of court.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Appelwick and Padden spoke in favor of the motion, and it was carried.

The Speaker (Mr. Wang presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1983.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1983, and the bill passed the House by the following vote: Yeas, 91; absent, 7.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, Fisher G, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 91.

Absent: Representatives Bristow, Ebersole, Fisher R, Jesernig, King P, O'Brien, and Mr. Speaker - 7.

Substitute House Bill No. 1983, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Bristow, Ebersole, Jesernig, P. King, O'Brien and Mr. Speaker appeared at the bar of the House.

The Speaker (Mr. Wang presiding) declared the House to be at ease.
The Speaker called the House to order.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced that the House would immediately resume consideration of House Bill No. 1836 on the regular second reading calendar. (See Afternoon Session for previous action.)

HOUSE BILL NO. 1836, by Representatives Schoon, Rust, Winsley, Pruitt, G. Fisher, Doty, Dorn, Rasmussen, Brumsickle, Fraser, Youngsman, Walk and Valle

Revising restrictions for smoking in public places.

The Speaker stated the question before the House to be the Point of Order by Representative Miller regarding the scope and object of the amendment by Representative Sprenkle and others.

SPEAKER'S RULING

The Speaker: The Speaker has examined both House Bill No. 1836 and the amendment and finds that, while both do mention smoking, the original House Bill No. 1836 defines nonsmoking areas in restaurants. The amendment tries to broaden the scope of the bill to include free samples of cigarettes, clearly outside the intention of the bill. I find, Representative Miller, that your point is well taken, that the amendment is outside the scope and object.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1836, and the bill passed the House by the following vote: Yeas, 96; nays, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips,

Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representatives Beck, Wood - 2.

Engrossed House Bill No. 1836, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider the following bills on the regular second reading calendar in the following order: House Bill No. 1078, House Bill No. 1097, House Bill No. 1183, House Bill No. 1189, House Bill No. 1263, and House Bill No. 1267. The motion was carried.

HOUSE BILL NO. 1078, by Representatives Nutley, Ferguson and Nelson

Changing provisions relating to local government boundary adjustments.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1078 was substituted for House Bill No. 1078, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1078 was read the second time.

Mr. Todd moved adoption of the following amendments by Representatives Todd and Nelson:

On page 6, line 31, strike "and"

On page 6, beginning on line 33, strike "(and

~~(9) Protection of agricultural lands:~~ and insert "

(9) Protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority."

Representatives Todd and Nelson spoke in favor of adoption of the amendments, and they were adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Nutley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1078, and the bill passed the House by the following vote: Yeas, 88; nays, 10.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Sommers D, Sommers H, Spanel, Sprenkle, Todd, Valle, Van Luven, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Ballard, Fuhrman, Hankins, Padden, Rector, Silver, Smith, Tate, Walker, Wolfe - 10.

Engrossed Substitute House Bill No. 1078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1097, by Representatives Appelwick, Locke, O'Brien, Kremen, R. King and Sprenkle

Exempting property used by homes for the aged from taxation.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1097 was substituted for House Bill No. 1097, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1097 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Fraser and Holland spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1097, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Sayan - 1.

Substitute House Bill No. 1097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1183, by Representatives Kremen, Bristow, Patrick, Scott, Holland, Leonard, Braddock, Brekke, Zellinsky, Phillips, Spanel, Silver and Wineberry

Requiring that certain information be provided to adopting parents.

The bill was read the second time. On motion of Mr. Bristow, Substitute House Bill No. 1183 was substituted for House Bill No. 1183, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1183 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Kremen and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1183, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1183, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1189, by Representatives Basich, S. Wilson, Vekich, Dorn, K. Wilson, Heavey, Baugher, Crane, Gallagher, Jones, Jacobsen, Sayan, O'Brien, Betzoff, Bristow, Belcher, Winsley, Dellwo, May, R. Meyers, Kremen, Brumsickle, Prince, Leonard, Anderson, Spanel, Zellinsky, Rasmussen, Ballard, Raiter, Prentice, Hine, Jesernig, P. King, R. King, Todd, G. Fisher, Haugen, Fuhrman, Wang, Van Luven, Moyer, Beck, H. Myers, Brekke, McLean, Phillips, Silver, Inslee, Rector, Brough, Cooper, Miller, Ebersole and Wineberry

Creating a memorial for Washington residents who died or are missing-in-action in the Korean conflict.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 47th Day, February 24, 1989.) Committee on Capital Facilities & Financing recommendation: Majority, do pass as amended by Committee on State Government and as further amended by Committee on Capital Facilities & Financing. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

Ms. R. Fisher moved adoption of the committee amendment by Committee on State Government and spoke in favor of it. The committee amendment was adopted.

Ms. H. Sommers moved adoption of the committee amendments by Committee on Capital Facilities & Financing and spoke in favor of them. The committee amendments were adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Basich spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1189, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G. Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1263, by Representatives R. Fisher, Nelson, Sayan, Nealey, Silver and Rector; by request of State Auditor

Relating to disclosure of improper governmental action.

The bill was read the second time. On motion of Ms. R. Fisher, Substitute House Bill No. 1263 was substituted for House Bill No. 1263, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1263 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1263, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Brumsickle - 1.

Substitute House Bill No. 1263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I intended to vote "Yea" on the final passage of Substitute House Bill No. 1263.

BILL BRUMSICKLE, 20th District.

HOUSE BILL NO. 1267, by Representatives Vekich, Jones, Cole, Wang and Leonard

Establishing procedures regarding self-insured industrial insurance claims.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 36th Day, February 13, 1989.)

Mr. Vekich moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

With consent of the House, the committee amendment to the title was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Vekich and Cole spoke in favor of passage of the bill, and Mr. Patrick spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1267, and the bill passed the House by the following vote: Yeas, 61; nays, 35; absent, 2.

Voting yea: Representatives Anderson, Appelwick, Baugher, Belcher, Bowman, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 61.

Voting nay: Representatives Ballard, Beck, Betzoff, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Hankins, Haugen, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Raiter, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Wolfe, Wood, Youngsman - 35.

Absent: Representatives Basich, Hargrove - 2.

Engrossed House Bill No. 1267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider the following bills on the regular second reading calendar in the following order: House Bill No. 1328, House Bill No. 1385, House Bill No. 1393, House Bill No. 1408, House Bill No. 1457, and House Bill No. 1485. The motion was carried.

HOUSE BILL NO. 1328, by Representatives Belcher, Miller, Valle, Locke, Wang, Rust, Appelwick, Doty, Spanel, H. Sommers, Wineberry, R. Fisher, Jacobsen, Fraser, Rasmussen, Brekke, Cole, Leonard, Phillips, Rayburn, K. Wilson, P. King, Anderson, Crane, Morris, Dellwo, Nutley, Jones, Nelson, Chandler, Hine, Hankins and Ebersole

Conditioning golf course eligibility for open space valuation.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Belcher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1328, and the bill passed the House by the following vote: Yeas, 78; nays, 20.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brough, Brumsickle, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Valle, Van Luven, Vekich, Walk, Wang, Wilson K, Wineberry, Wood, Youngsman, and Mr. Speaker - 78.

Voting nay: Representatives Ballard, Baugher, Beck, Brooks, Chandler, Crane, Doty, Fuhrman, McLean, Nealey, Padden, Patrick, Schmidt, Silver, Todd, Walker, Wilson S, Winsley, Wolfe, Zellinsky - 20.

House Bill No. 1328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1385, by Representatives Dellwo, Winsley, Chandler, Day, Anderson and Nutley; by request of Insurance Commissioner

Amending merger or change in insurance entity status.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dellwo and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1385, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1393, by Representatives Grant, Baugher, Rayburn, Rector, Prentice, Raiter, Braddock, Brooks, Sprenkle, Dorn, Cantwell, Locke, O'Brien, Kremen, Heavey, Doty, Patrick, Beck, Winsley, Silver, Brough, Fuhrman, Nealey, Wolfe, Schoon, Miller, K. Wilson, Brumsickle, Basich, Sayan, Morris, Wineberry, R. King, Horn, Valle, Pruitt, Cooper, Crane, Ballard, Jesernig, Todd, Leonard and Rasmussen; by request of Department of Corrections

Creating a sentencing grid for controlled substance violations within correctional facilities.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1393 was substituted for House Bill No. 1393, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1393 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Grant and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1393, and the bill passed the House by the following vote: Yeas, 96; nays, 1; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Holland - 1.

Absent: Representative Hargrove - 1.

Substitute House Bill No. 1393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

It was my intention to vote for Substitute House Bill No. 1393 when it came up for final passage on March 14, 1989.

BRUCE HOLLAND, 47th District.

HOUSE BILL NO. 1408, by Representatives Dorn, Pruitt, G. Fisher, Sayan, P. King, Holland, R. Meyers, Leonard, Patrick, Winsley, Van Luven, Cooper, Walk, Scott and Morris

Requiring that hours worked in all eligible positions be combined to determine service credit for the public employees' retirement system.

The bill was read the second time. On motion of Mr. Grant, Substitute House Bill No. 1408 was substituted for House Bill No. 1408, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1408 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dorn and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1408, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R,

Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Veklich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Prince - 1.

Substitute House Bill No. 1408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1457, by Representatives Appelwick, Schmidt, Dellwo, Patrick, Braddock, Belcher, Sayan, Locke, Wineberry and P. King; by request of Office of Financial Management

Regarding the indeterminate sentencing review board.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 1457 was substituted for House Bill No. 1457, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1457 was read the second time.

Mr. Padden moved adoption of the following amendment by Representatives Padden and Hargrove:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 9.95 RCW to read as follows:

(1) As used in this section, 'sentencing judge' means, for any person sentenced to a mandatory life sentence, the superior court judge who imposed the sentence or his or here successor in the county of conviction.

(2) In the manner provided by RCW 9.95.009(2), the sentencing judge shall fix the duration of confinement for persons committed to the custody of the department of corrections under a mandatory life sentence for a crime or crimes committed before July 1, 1984, whose term of confinement has not, as of July 1, 1989, been fixed by the board of prison terms and paroles or the indeterminate sentencing review board. However, no duration of confinement shall be fixed for those persons committed under a life sentence without the possibility of parole.

The duration of confinement for persons covered by this section shall be fixed no later than July 1, 1992, or within six months after the admission of readmission of the convicted person to the custody of the department of corrections, whichever is later.

(3) Prior to fixing a duration of confinement under this section, the sentencing judge may request from the prosecuting attorney an updated statement. The sentencing judge may also request statements from the representatives of the victim. The sentencing judge shall provide the convicted person with copies of any new statement and an opportunity to comment thereon prior to fixing the duration of confinement.

Representatives Padden, Hargrove and Schoon spoke in favor of adoption of the amendment, and Representatives Appelwick, Braddock and Patrick spoke against it. Mr. Padden again spoke in favor of the amendment.

The Speaker stated the question before the House to be the adoption of the amendment by Representatives Padden and Hargrove to Substitute House Bill No. 1457.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 36; Nays - 60. The amendment was not adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Padden spoke against passage of the bill, and Mr. Schoon spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1457, and the bill passed the House by the following vote: Yeas, 76; nays, 22.

Voting yea: Representatives Anderson, Appelwick, Baugher, Belcher, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Haugen, Heavey, Hine, Inslee, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H,

Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 76.

Voting nay: Representatives Ballard, Basich, Beck, Betzozoff, Brumsickle, Chandler, Day, Fuhrman, Hankins, Hargrove, Holland, Horn, Jesernig, McLean, Nealey, Padden, Silver, Smith, Sommers D, Wolfe, Wood, Youngsman - 22.

Substitute House Bill No. 1457, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1485, by Representatives Jacobsen, Dellwo and Heavey

Modifying the interest rates that nonprofit corporations may charge on post-secondary education loans.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jacobsen and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1485, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1485, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider the following bills on the regular second reading calendar in the following order: House Bill No. 1664, House Bill No. 2066, House Bill No. 2201, House Bill No. 1488, House Bill No. 1505, House Bill No. 1392, and House Bill No. 1557. The motion was carried.

HOUSE BILL NO. 1664, by Representatives Betzozoff, Baugher, Zellinsky, Patrick, R. Fisher, R. Meyers, Schmidt, Ferguson and Walker

Restricting the use of tinted glass on motor vehicles.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 57th Day, March 6, 1989.)

Mr. Walk moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Mr. R. Meyers moved adoption of the following amendment:

On page 3, after line 29, insert the following:

"(7) Limousines are exempt from the requirements of this section."

Mr. Betzozoff moved adoption of the following amendment by Representatives Betzozoff and R. Meyers to the amendment by Mr. R. Meyers:

On line 6 of the amendment, following "Limousines" insert "used to transport persons for compensation"

Mr. Betzozoff spoke in favor of adoption of the amendment to the amendment, and it was adopted.

Mr. R. Meyers spoke in favor of the amendment as amended, and it was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Betzoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1664, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inlee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Vaile, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1664, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2066, by Representatives Cantwell, Peery, Holland, Beck, Walk, Jones, Spanel, Ferguson, Cole, P. King, Winsley, Wood and Todd

Creating an interim task force to evaluate school student transportation safety.

The bill was read the second time. On motion of Mr. Peery, Substitute House Bill No. 2066 was substituted for House Bill No. 2066, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2066 was read the second time.

Mr. Peery moved adoption of the following amendment by Representatives Peery, Cantwell and Betzoff:

On page 1, line 16, after "bus;" strike all material through and including "one-mile radius;" on line 19

Reletter the remaining subsections.

Mr. Peery spoke in favor of adoption of the amendment, and it was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cantwell and Betzoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2066, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inlee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Vaile, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2201, by Representatives Walk, Jones, Hargrove, Zellinsky, Schmidt and Vekich

Revising funding of the Hood Canal Bridge.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 2201 was substituted for House Bill No. 2201, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2201 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Walk, Jones and Hargrove spoke in favor of passage of the bill, and Representatives Schmidt, Brough and S. Wilson spoke against it. Mr. Hargrove again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2201, and the bill passed the House by the following vote: Yeas, 59; nays, 38; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Bowman, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Prentice, Pruitt, Raiter, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 59.

Voting nay: Representatives Ballard, Beck, Betrozoff, Brooks, Brough, Brumsickle, Chandler, Ferguson, Fuhrman, Hankins, Haugen, Holland, Horn, May, McLean, Meyers R, Miller, Moyer, Nealey, Padden, Patrick, Phillips, Prince, Rasmussen, Schmidt, Schoon, Silver, Smith, Spanel, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 38.

Absent: Representative Sommers D - 1.

Substitute House Bill No. 2201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1488, by Representatives Cole, Patrick, Prentice, Vekich, Jones, Smith, Leonard, R. King and Walker

Providing for application of the Washington industrial safety and health act to the ferry system.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 33rd Day, February 10, 1989.)

Mr. Vekich moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Cole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1488, and the bill passed the House by the following vote: Yeas, 96; absent, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representatives Basich, Locke - 2.

Engrossed House Bill No. 1488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1505, by Representatives Zellinsky, Baugher, Sayan, Dellwo, Chandler, Anderson, Day, Crane, Winsley, Beck, Schmidt, Prentice, Rayburn, Kremen, Rector, Bowman and P. King

Forbidding the use of age as a basis for rating the cost of medicare supplemental health insurance.

The bill was read the second time.

Ms. K. Wilson moved adoption of the following amendment:

On page 1, line 6, beginning with "The rate" strike all material to and including "applicant," on line 8 and insert the following:

"No insurer, health care service contractor, or health maintenance organization may use the increasing age of an insured, subscriber, or participant as the basis for increasing premiums or prepayment charges for medicare supplemental health insurance issued under this chapter."

Ms. K. Wilson spoke in favor of adoption of the amendment, and Mr. Dellwo opposed it. Ms. K. Wilson again spoke in favor of the amendment.

The amendment was not adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Zellinsky and Chandler spoke in favor of passage of the bill, and Ms. K. Wilson opposed it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1505, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Hom, Inslee, Jacobsen, Jesernig, Jones, King P. King R. Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Wilson K - 1.

House Bill No. 1505, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1392, by Representatives Rust, Brough, Valle, Wang, Locke, O'Brien, Nelson, Jacobsen, May, Pruitt, Sprenkle, Patrick, Winsley, Scott, Sayan, R. King, Phillips and Cole; by request of Governor Gardner

Enacting the wetland management act of 1989.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Natural Resources & Parks as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

On motion of Ms. Belcher, Substitute House Bill No. 1392 was substituted for House Bill No. 1392, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1392 was read the second time.

Mr. Grant moved adoption of the committee amendments on page 9, lines 34 and 35, and spoke in favor of them. The committee amendments were adopted.

Mr. Grant moved adoption of the committee amendments on page 10, lines 1 and 3, and spoke in favor of them. The committee amendments were adopted.

The Clerk read the following amendments by Representatives Heavey and Beck:

On page 4, beginning on line 26, strike all of section 7 and insert the following:

NEW SECTION. Sec. 7. WETLANDS COMMISSION CREATED. (1) There is hereby created a state wetlands commission consisting of eleven members. The members of the commission shall be appointed by the governor with the advice and consent of the senate and shall serve for a term of four years. In case of vacancy, the governor shall fill the vacancy for the unexpired term of the commissioner whose office has become vacant.

(2) The governor shall make his appointments as follows: The director of the department of ecology or the director's designee; the director of the department of wildlife or the director's designee; the director of the department of natural resources or the director's designee; the director of the department of transportation or the director's designee; one county commissioner or councilmember or his or her designee; one city councilmember or the councilmember's designee; two representatives recommended by building and development associations; two representatives recommended by environmental and conservation organizations; and one member recommended by an institution of higher education in the state and experienced in wetland functions.

(3) A majority of the commission shall constitute a quorum for the transaction of commission business. Action may be taken by the commission and motions and resolutions adopted upon the affirmative vote of a majority of the full membership. The governor shall appoint a chairman for the conduct of commission business.

(4) Members of the commission shall serve without compensation, but may be reimbursed for expenses necessarily incurred in the discharge of their official functions.

(5) The department shall provide staff support as is necessary for the efficient conduct of the commission's business.

(6) The commission shall cease to exist four years after the effective date of this act.

NEW SECTION. Sec. 8. POWERS AND FUNCTIONS OF WETLAND COMMISSION. The commission shall develop guidelines and procedures for adoption by the department for implementing the provisions of this chapter. These guidelines and procedures shall include the wetland permit process, the preparation and contents of wetland management plans, criteria for the classification of wetlands, recommendations for incentives, and, in cooperation with the department of natural resources, acquisition priorities and operation of the wetland trust fund.

NEW SECTION. Sec. 9. RULES. (1) The department shall prepare proposed rules consistent with the direction and guidelines of the commission.

(2) Within twelve months of the effective date of this act, and after review and approval by the commission, the department shall adopt any rules necessary to implement the requirements of this chapter. Upon adoption, all agencies of state and local government shall adopt rules consistent with this chapter and consistent with the rules adopted by the department.

(3) The department shall develop and maintain a functional, complete, and up-to-date composite state wetlands map to provide guidance and information to state and local government agencies and private property owners as to the location of wetlands and to monitor achievement of the goals of this chapter.

(4) The department shall submit an annual report to the legislature showing gains and losses to the state's wetland resources in terms of acreage and quality."

Renumber remaining sections consecutively and correct internal references accordingly.

On page 11, line 17, after "through" strike all material through "17" on line 18 and insert "14, 16, 18, and 19"

On page 12, line 9, after "through" strike "12, 14, 16, and 17" and insert "14, 16, 18, and 19"

On page 13, line 1, after "through" strike "12, 14, 16, and 17" and insert "14, 16, 18, and 19"

On page 13, line 19, after "through" strike "12, 14, 16, and 17" and insert "14, 16, 18, and 19"

With consent of the House, Representative Heavey withdrew the amendments.

The Clerk read the following amendment by Representative Beck:

On page 7, line 13, after "lines:" strike "and" and insert "(c) Railroads in existence on the effective date of this act; and"

With consent of the House, Representative Beck withdrew the amendment.

Ms. Belcher moved adoption of the following amendment by Representatives Belcher and Beck:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. PURPOSE. The legislature believes that current laws, both state and federal, leave significant gaps in the coverage and protection afforded the state's wetlands. The shorelines management act affects only a limited area, the federal clean water act affects only filling of wetlands, and the hydraulics code affects only fish life.

The public obtains important health, welfare and safety benefits from retaining wetlands. Wetlands provide flood protection; retard soil erosion and improve water quality through natural filtration and absorption; purify surface water and ground water; provide essential habitat for fish and wildlife; maintain ground water, particularly during periods of drought, and surface water through the gradual release of stored flood flows.

NEW SECTION. Sec. 2. INTENT. The legislature declares that it is the public policy of the state to preserve, protect, and manage wetlands in order to promote public health, safety, and welfare; protect water quality; protect public and private property; conserve fish, wildlife, and other natural resources of the state; and allow for planned and orderly economic growth at both the state and local levels.

It is the goal of the state to institute a system of planning for and managing the decisions regarding wetlands so as to prevent further loss of wetlands, as measured by either significant differences in acreage or function, measured on a state-wide basis. To accomplish this the legislature intends that decisions made regarding wetlands be made within a decision-making framework that leads to considered, planned, and deliberate conclusions. This requires gathering data, educating the public and the decision makers, wetland acquisition where appropriate, and regulation as necessary.

The legislature intends to implement these policies through forging a partnership between the public and private sector to protect and enhance the state's remaining wetlands.

NEW SECTION. Sec. 3. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) 'Department' means the department of ecology.
- (2) 'Director' means the director of the department of ecology.
- (3) 'Local government' means any county, incorporated city, or town that contains within its boundaries any wetlands subject to the provisions of this chapter.
- (4) 'Person' means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state, local, or other governmental unit.

(5) 'Plan' means a wetland management plan.

(6) 'Wetlands' means those lands defined by the United States fish and wildlife service as lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition wetlands must have one or more of the following attributes:

- (a) At least periodically, the land supports predominantly hydrophytes;
- (b) The substrate is predominantly undrained hydric soil; or
- (c) The substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

(7) 'Regulated wetlands,' for purposes of regulation under this chapter, means those lands defined as wetlands under the federal clean water act, 33 U.S.C. Sec. 1251 et seq.

(8) 'Wetland buffer zones' means lands bordering regulated wetlands, which may be managed to protect the regulated wetlands from adverse impacts of activities on adjacent lands.

(9) 'Wetland management plan' means any plan adopted by a local government to protect and manage regulated wetlands and wetland buffer zones in a local jurisdiction and which meets the requirements of this chapter and rules adopted by the department under this chapter.

(10) 'Wetland management standards' means those minimum standards adopted as rules by the department for wetland management plans under this chapter.

(11) 'Wetlands of state-wide value' means those regulated wetlands determined by the department, with the concurrence of the local government, to have characteristics of exceptional value which should never be intentionally adversely impacted.

NEW SECTION. Sec. 4. DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT. The department shall:

- (1) Develop and maintain a state-wide inventory and maps of wetlands;
- (2) Develop classification and rating systems for regulated wetlands;
- (3) Develop with assistance of the association of Washington cities and the Washington state association of counties a model wetland management plan and a model wetland mitigation plan;
- (4) Provide technical assistance to local governments in the development of plans;
- (5) Identify wetlands of state-wide value;
- (6) Approve and periodically review wetland management plans to ensure their compliance with wetland management standards;
- (7) Pursue funding and provide financial assistance to the fullest extent possible;
- (8) Provide local governments and the general public with information on wetland values and functions, protection, and management;
- (9) Initiate or provide assistance to local governments in enforcement actions against any person performing activities in violation of this chapter or rules adopted by the department under this chapter;

- (10) Develop an appeal process to include:
 - (a) Negotiation of disputed classifications or ratings;
 - (b) Resolution of jurisdictional disputes between local governments;
 - (c) Hearing of appeals from local appeals processes; and
 - (d) Hearing of department decisions or recommendations by a neutral body of appeals;
- (11) By September 15, 1991, the department shall report to the appropriate committees of the house of representatives and the senate whether local wetland management plans should include wetlands not currently designated as regulated wetlands.

NEW SECTION, Sec. 5. DUTIES AND RESPONSIBILITIES OF LOCAL GOVERNMENTS. Each local government shall:

- (1) Prepare and verify, jointly with the department, an inventory of wetlands within its jurisdiction;
- (2) Develop, implement, and administer wetland management plans according to the requirements of this chapter and rules adopted by the department under this chapter;
- (3) Classify and rate wetlands according to the classification and rating systems developed by the department;
- (4) Assure that any wetland permit process shall be coordinated and consolidated, to the extent practicable, with existing permits and processes within the jurisdiction;
- (5) Develop, implement, and administer a mitigation plan consistent with the requirements of this chapter and rules adopted by the department;
- (6) Develop an appeals process for local decisions; and
- (7) Enforce its wetland management plans.

NEW SECTION, Sec. 6. WETLAND CLASSIFICATION AND RATING. (1) The department shall develop a system for classifying wetlands according to size; functional and resource value, including habitat values, water supply, storage or flood control qualities, water quality protection, and aesthetic and recreational uses; degree of sensitivity to disturbance; rarity; unique qualities; and other relevant criteria developed by the department.

(2) The department shall develop a rating system for use in distinguishing between and among wetlands of varying resource values, considering all the factors identified in subsection (1) of this section. The classification and rating systems shall be considered in the development of wetland management standards, determining wetland buffer zones, and establishing mitigation policies.

(3) In developing the classification and rating system, the department shall give consideration to and make provision for wetlands created by agricultural irrigation.

NEW SECTION, Sec. 7. DEVELOPMENT OF WETLAND MANAGEMENT STANDARDS. The department shall adopt minimum standards for wetland management plans by rule on or before August 1, 1990. These standards shall use the classification and rating system in section 6 of this act and shall provide for wetland buffer zones. Standards adopted by the department under this chapter shall apply to wetlands under the jurisdiction of chapter 90.58 RCW in addition to other requirements of chapter 90.58 RCW. Prior to adopting these standards, the department shall consult with affected state agencies and local jurisdictions and shall provide for adequate public involvement.

NEW SECTION, Sec. 8. ELEMENTS OF A WETLAND MANAGEMENT PLAN. At a minimum, a plan sufficient to meet the requirements of this chapter will include:

- (1) An inventory and classifications system for all wetlands;
- (2) Specific regulations governing the following activities when they occur in a regulated wetland or wetland buffer zone:
 - (a) The removal, excavation, disturbance, or dredging of soil, sand, gravel, or aggregate material of any kind;
 - (b) The dumping, discharging, or filling with any solid or liquid materials;
 - (c) The draining, flooding, or disturbing of the water level or water table;
 - (d) The driving of pilings;
 - (e) The placing of obstructions;
 - (f) The construction, reconstruction, or demolition of any structure, or alteration of the size of any structure; or
 - (g) The destruction or alteration of wetland vegetation through clearing, harvesting, shading, or planting of vegetation;
- (3) New or amended provisions of the comprehensive plan, where a comprehensive plan has been adopted;
- (4) New or amended provisions, where necessary, of local plans and ordinances, including, but not limited to:
 - (a) A shoreline master program;
 - (b) Zoning, subdivision, and building ordinances; and
 - (c) Provisions relating to enforcement;
- (5) A requirement that locally approved projects and activities in regulated wetlands and wetland buffer zones be consistent with the wetland management plan;
- (6) A mitigation plan consistent with the requirements of this chapter and rules adopted thereunder.

NEW SECTION. Sec. 9. ADOPTION OF WETLAND MANAGEMENT PLAN. (1) From the date of adoption of wetland management standards by the department, all activities identified in section 8(2) of this act undertaken in regulated wetlands, as defined by this chapter or rules adopted by the department under this chapter, shall comply with these wetland management standards. Upon adoption of local wetland management plans, activities regulated by the local governments shall comply with the applicable wetland management plan and any other requirements under this chapter.

(2) Every local government shall prepare a proposed plan and submit it to the department within eighteen months after the effective date of the wetland management standards. Before submission of a proposed plan, a local government shall follow the provisions of chapter 34.05 RCW and hold at least one public hearing on the proposal.

(3) Within ninety days after receipt of a proposed plan, the department shall approve the proposal or notify the local government of specific modifications that must be made in order for the proposal to be approved.

(4) Following the department's approval of a proposed plan, the local government shall adopt the plan in accordance with its legislative procedures for enacting ordinances.

(5) Plan amendments required by the department or proposed by local governments shall be acted upon by the department in the same manner as the original plan.

(6) The wetland management plan shall be effective only after approval by the department and subsequent adoption by local government.

NEW SECTION. Sec. 10. EXEMPT ACTIVITIES. The following activities are exempted from regulation under this chapter:

(1) Ongoing and existing farming and ranching activities conducted on farm and agricultural lands as defined in RCW 84.34.020(2). Exempt activities include normal farm-related activities such as grazing, plowing, seeding, cultivating, harvesting for the production of food and fiber, or upland soil and water conservation practices; construction or maintenance of farm ponds or irrigation conveyance facilities, or the maintenance of drainage ditches and return flow channels;

(2) Construction or maintenance of farm buildings;

(3) Farm roads or forest roads constructed and maintained in accordance with best management practices to assure that flow and circulation patterns and chemical and biological characteristics of wetlands are not impaired and that any adverse effect on wetlands or wetland buffer zones will be avoided;

(4) Harvesting forest products or management of forest lands in accordance with the forest practices act, chapter 76.09 RCW;

(5) Construction of oil, gas, water, or sewage pipelines that receive a determination of nonsignificance pursuant to WAC 197-11-340 or a mitigated determination of nonsignificance pursuant to WAC 197-11-350;

(6) Normal maintenance, repair, as defined in WAC 173-14-040, or operation of the following, to the extent that any adverse effect on the regulated wetland or wetland buffer zone be otherwise avoided:

(a) Structures in existence on the effective date of this act;

(b) Public streets, highways, railroads, or roads, including improvements, within the right of way, or electric transmission and distribution power lines; and

(7) Reconstruction of recently damaged parts or serviceable dikes and levees in existence on the effective date of this act.

These exemptions shall not apply to any conversion of a regulated wetland to a use to which it was not previously subjected. Acts conducted pursuant to normal activities exempted in subsections (1) through (7) of this section shall not be considered conversions.

NEW SECTION. Sec. 11. MITIGATION. (1) Mitigation plans may be required as a condition of approval of an application affecting a regulated wetland. The department shall adopt minimum mitigation standards, the priorities for which shall be:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or

(f) Monitoring the impact and taking appropriate corrective measures.

(2) The purpose of the mitigation standards developed under subsection (1) of this section is to:

(a) Preserve and protect existing wetlands;

(b) Restore existing wetlands; and, where no reasonable alternative exists;

(c) Create new wetlands.

(3) The mitigation standards developed under subsection (1) of this section shall:

(a) Identify classifications and ratings of regulated wetlands within which any deliberate adverse impact to the wetland will not be permitted and those classifications and ratings of regulated wetlands for which mitigation may be appropriate;

(b) Assure that the highest classifications and ratings will require the most stringent mitigation efforts, for those classifications and ratings for which the department determines mitigation is appropriate; and

(c) Include a requirement for monitoring for a sufficiently long period to evaluate the success or failure of the mitigation measures. The department or the local government may require the applicant to post a bond to cover monitoring costs or the cost of any remedial actions.

NEW SECTION. Sec. 12. ADVISORY COMMITTEE. The governor shall appoint an advisory committee representing all interest groups to assist in preparing standards and guidelines. Members shall not be compensated for any costs incurred as a participant on the advisory committee.

NEW SECTION. Sec. 13. ENFORCEMENT AND PENALTIES. (1) The attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the regulated wetlands of the state in conflict with the provisions and plans of this chapter, and to otherwise enforce the provisions of this chapter.

(2) Any person who shall fail to conform to the terms of this chapter or who shall undertake development within a regulated wetland or wetland buffer zone without first obtaining approval required under this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each violation or each day of continued violation without a required approval shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Within thirty days after the notice is received, the person incurring the penalty may apply in writing to the department for remission or mitigation of such penalty. Upon receipt of the application, the department or local government may remit or mitigate the penalty upon whatever terms the department or local government in its discretion deems proper. Any penalty imposed under this section by the department shall be subject to review by the shorelines hearings board. Any penalty imposed under this section by the local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the shorelines hearings board.

Sec. 14. Section 28A.45.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 14, chapter 472, Laws of 1987 and RCW 82.45.060 are each amended to read as follows:

(1) There is imposed an excise tax upon each sale of real property at the rate of one and twenty-eight one-hundredths percent of the selling price. An amount equal to seven and seven-tenths percent of the proceeds of this tax to the state treasurer shall be deposited in the public works assistance account created in RCW 43.155.050.

(2) There is imposed an additional excise tax through June 30, 1989, upon each sale of real property at the rate of six one-hundredths of one percent of the selling price. The tax imposed under this subsection shall be deposited in the conservation area account under RCW 79.71.110.

(3) In addition to the excise taxes imposed in subsections (1) and (2) of this section, there is imposed an additional excise tax. If the assessor for a local government determines that a regulated wetland on property exempted in section 10 of this act has been deliberately altered, sold, and converted from its exempted use to a nonexempted use within a period of three years from its alteration, there shall be imposed upon the sale of the real property an additional excise tax at the rate of ten and twenty-eight hundredths percent of the selling price. The tax imposed in this section shall be deposited in the wetland preservation and acquisition fund, hereby created in the state treasury. Proceeds from the fund may be expended by the department to purchase property rights to protect wetlands of critical importance.

NEW SECTION. Sec. 15. FUNDING. The department shall work with the departments of wildlife and natural resources and interested private and public parties to develop plans to identify financial support of managing and acquiring wetlands.

NEW SECTION. Sec. 16. APPROPRIATION. The sum of one million dollars, or as much thereof as may be necessary, is appropriated from the water quality account to the department of ecology, for the biennium ending June 30, 1991, for the purposes of this act.

NEW SECTION. Sec. 17. ADDITIONAL AUTHORITY GRANTED. In addition to any other powers granted under this chapter, the department and local governments may:

(1) Accept grants, contributions, and appropriations from any person for the purposes of this chapter;

(2) Cooperate with other persons, including nonprofit organizations, in protecting and managing wetlands;

(3) Appoint advisory committees to assist in carrying out the purposes of this chapter;

(4) Contract for professional or technical services; and

(5) Adopt such other rules as are necessary and appropriate to carry out the provisions of this chapter.

NEW SECTION. Sec. 18. COOPERATION OF DEPARTMENT OF NATURAL RESOURCES. The department of natural resources shall provide to the department of ecology, in a timely manner, geographic information system data and maps which can be used as the state's wetland inventory.

NEW SECTION. Sec. 19. SHORT TITLE. This chapter shall be known and cited as the wetland management act of 1989.

Sec. 20. Section 5, chapter 451, Laws of 1985 and RCW 90.70.025 are each amended to read as follows:

In order to carry out its responsibilities under this chapter, the authority may:

(1) Develop interim proposals and recommendations, before the plan is adopted, concerning the elements identified in RCW 90.70.060;

(2) Enter into, amend, and terminate contracts with individuals, corporations, or research institutions for the purposes of this chapter;

(3) Receive such gifts, grants, and endowments, in trust or otherwise, for the use and benefit of the purposes of the authority. The authority may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments;

(4) Conduct studies and research relating to Puget Sound water quality;

(5) Obtain information relating to Puget Sound from other state and local agencies;

(6) Conduct appropriate public hearings and otherwise seek to broadly disseminate information concerning Puget Sound;

(7) Receive funding from other public agencies;

(8) Prepare a biennial budget request for consideration by the governor and the legislature; and

(9) Adopt rules under chapter ~~((34-04))~~ 34.05 RCW as it deems necessary for the purposes of this chapter, except that wetlands shall be regulated pursuant to rules, guidelines, standards, and ordinances adopted pursuant to SHB 1392 or its successor.

Sec. 21. Section 35.63.090, chapter 7, Laws of 1965 as last amended by section 1, chapter 126, Laws of 1985 and RCW 35.63.090 are each amended to read as follows:

All regulations shall be worked out as parts of a comprehensive plan which each commission shall prepare for the physical and other generally advantageous development of the municipality and shall be designed, among other things, to encourage the most appropriate use of land throughout the municipality; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuild areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to encourage and protect access to direct sunlight for solar energy systems; and to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements, including protection of the quality and quantity of ground water used for public water supplies. Each plan shall include a review of drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute Puget Sound or waters entering Puget Sound. Each plan shall also include an element for the protection and management of wetlands in accordance with chapter 90.— RCW (sections 1 through 13, 15, and 17 through 19 of this act).

Sec. 22. Section 35A.63.061, chapter 119, Laws of 1967 ex. sess. as last amended by section 2, chapter 126, Laws of 1985 and RCW 35A.63.061 are each amended to read as follows:

The comprehensive plan shall be in such form and of such scope as the code city's ordinance or charter may require. It may consist of a map or maps, diagrams, charts, reports and descriptive and explanatory text or other devices and materials to express, explain, or depict the elements of the plan; and it shall include a recommended plan, scheme, or design for each of the following elements:

(1) A land-use element that designates the proposed general distribution, general location, and extent of the uses of land. These uses may include, but are not limited to, agricultural, residential, commercial, industrial, recreational, educational, public, and other categories of public and private uses of land. The land-use element shall also include estimates of future population growth in, and statements of recommended standards of population density and building intensity for, the area covered by the comprehensive plan. The land use element shall also provide for protection of the quality and quantity of ground water used for public water supplies and shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute Puget Sound or waters entering Puget Sound. Each plan shall also include

an element for the protection and management of wetlands in accordance with chapter 90.—RCW (sections 1 through 13, 15, and 17 through 19 of this act).

(2) A circulation element consisting of the general location, alignment, and extent of existing and proposed major thoroughfares, major transportation routes, and major terminal facilities, all of which shall be correlated with the land-use element of the comprehensive plan.

Sec. 23. Section 36.70.330, chapter 4, Laws of 1963 as last amended by section 3, chapter 126, Laws of 1985 and RCW 36.70.330 are each amended to read as follows:

The comprehensive plan shall consist of a map or maps, and descriptive text covering objectives, principles and standards used to develop it, and shall include each of the following elements:

(1) A land use element which designates the proposed general distribution and general location and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and lands, and other categories of public and private use of land, including a statement of the standards of population density and building intensity recommended for the various areas in the jurisdiction and estimates of future population growth in the area covered by the comprehensive plan, all correlated with the land use element of the comprehensive plan. The land use element shall also provide for protection of the quality and quantity of ground water used for public water supplies and shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute Puget Sound or waters entering Puget Sound. The land use element shall also provide for the protection and management of wetlands in accordance with chapter 90.—RCW (sections 1 through 13, 15, and 17 through 19 of this act):

(2) A circulation element consisting of the general location, alignment and extent of major thoroughfares, major transportation routes, trunk utility lines, and major terminal facilities, all of which shall be correlated with the land use element of the comprehensive plan;

(3) Any supporting maps, diagrams, charts, descriptive material and reports necessary to explain and supplement the above elements.

NEW SECTION. Sec. 24. LIBERAL CONSTRUCTION. This chapter is exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

NEW SECTION. Sec. 25. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 26. CAPTIONS. Captions as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 27. Sections 1 through 13, 15, and 17 through 19 of this act shall constitute a new chapter in Title 90 RCW."

Ms. Belcher spoke in favor of adoption of the amendment, and Representatives Fuhrman, Beck and Smith opposed it.

The Speaker stated the question before the House to be the adoption of the amendment by Representatives Belcher and Beck.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 60; Nays - 37. The amendment was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "wetlands;" strike the remainder of the title and insert "amending RCW 82.45.060, 90.70.025, 35.63.090, 35A.63.061, and 36.70.330; adding a new chapter to Title 90 RCW; creating new sections; prescribing penalties; and making an appropriation."

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust, Brough and Belcher spoke in favor of passage of the bill, and Representatives Heavey, Hargrove and Crane opposed it.

Mr. Crane demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1392, and the bill passed the House by the following vote: Yeas, 52; nays, 45; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Belcher, Braddock, Brekke, Brough, Cantwell, Cole, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Haugen, Hine, Inslée, Jacobsen, King P, King R, Leonard, Locke, Meyers R, Miller, Morris, Myers H,

Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H. Spanel, Sprenkle, Valle, Vekich, Walk, Wang, Wilson K. Wineberry, and Mr. Speaker - 52.

Voting nay: Representatives Ballard, Basich, Baugher, Beck, Betrozoff, Bowman, Brooks, Brumsickle, Chandler, Cooper, Crane, Day, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Heavey, Holland, Horn, Jesernig, Jones, Kremen, May, McLean, Moyer, Nealey, Padden, Prince, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D. Tate, Van Luven, Walker, Wilson S. Winsley, Wolfe, Wood, Youngsman, Zellinsky - 45.

Absent: Representative Todd - 1.

Engrossed Substitute House Bill No. 1392, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1557, by Representatives Vekich, Patrick, Belcher, Sayan, Winsley, R. King, Ebersole, R. Meyers, Walk, Braddock, Phillips, Fraser, Holland, Jacobsen, Anderson, Heavey, Basich, Nelson, Appelwick, Morris, Jones, Todd, P. King, Wineberry, Sprenkle and Dorn

Providing for state employee collective bargaining.

The bill was read the second time. On motion of Mr. Vekich, Substitute House Bill No. 1557 was substituted for House Bill No. 1557, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1557 was read the second time.

Mr. Padden moved adoption of the following amendments:

On page 6, beginning on line 14, after "choosing," strike all material through "protection," on line 16

On page 20, beginning on line 15, after "Sec. 19," strike the remainder of section 19 and insert "RIGHT TO STRIKE PROHIBITED. Employee strikes arising from disputes regulated by this chapter are hereby expressly prohibited."

On page 21, beginning on line 1, after "section," strike all material through "prohibited." on line 2

Mr. Padden spoke in favor of adoption of the amendments.

Mr. Fuhrman demanded an electric roll call vote, and the demand was sustained.

Representatives Hargrove, Heavey and Vekich spoke against adoption of the amendments.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative Padden to Substitute House Bill No. 1557, and the amendments were not adopted by the following vote: Yeas, 26; nays, 72.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brumsickle, Chandler, Fuhrman, Haugen, Holland, Horn, May, McLean, Miller, Moyer, Padden, Prince, Raiter, Schmidt, Silver, Smith, Sommers D. Wilson S. Wolfe, Wood, Youngsman - 26.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Sommers H. Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K. Wineberry, Winsley, Zellinsky, and Mr. Speaker - 72.

Mr. Fuhrman moved adoption of the following amendment by Representatives Fuhrman and Ballard:

On page 18, line 2, strike "fails to act" and insert "approves the request for funds"

Mr. Fuhrman spoke in favor of adoption of the amendment, and Mr. Vekich opposed it.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Mr. Ballard spoke in favor of adoption of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representatives Fuhrman and Ballard to Substitute House Bill No. 1557, and the amendment was not adopted by the following vote: Yeas, 36; nays, 62.

Voting yea: Representatives Appelwick, Ballard, Beck, Betzoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Hankins, Haugen, Holland, Horn, Jesernig, Locke, May, McLean, Miller, Moyer, Nealey, Padden, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Walker, Wilson S, Wolfe, Wood, Youngsman - 36.

Voting nay: Representatives Anderson, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Heavey, Hine, Inslee, Jacobsen, Jones, King P, King R, Kremen, Leonard, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Van Luven, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 62.

Mr. Vekich moved adoption of the following amendment by Representatives Vekich, Patrick, Sayan and Wolfe:

On page 20, after line 29, insert "A strike or other concerted activity permitted under this section shall not restrict access to the workplace through a separate entrance marked and set apart for essential employees who are not authorized to strike under section 20 of this act."

Representatives Vekich and Patrick spoke in favor of adoption of the amendment, and it was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Vekich, Patrick, Raiter and Bowman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1557, and the bill passed the House by the following vote: Yeas, 77; nays, 21.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 77.

Voting nay: Representatives Ballard, Beck, Brooks, Brough, Chandler, Doty, Fuhrman, Haugen, Horn, May, McLean, Nealey, Padden, Prince, Schmidt, Schoon, Silver, Smith, Wilson S, Wolfe, Youngsman - 21.

Engrossed Substitute House Bill No. 1557, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 13, 1989

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5027,
 SENATE BILL NO. 5091,
 SENATE BILL NO. 5096,
 SUBSTITUTE SENATE BILL NO. 5117,
 SECOND SUBSTITUTE SENATE BILL NO. 5182,
 ENGROSSED SENATE BILL NO. 5215,
 ENGROSSED SENATE BILL NO. 5218,
 SUBSTITUTE SENATE BILL NO. 5221,
 ENGROSSED SENATE BILL NO. 5232,
 SUBSTITUTE SENATE BILL NO. 5289,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5294,
 SENATE BILL NO. 5298,

SECOND SUBSTITUTE SENATE BILL NO. 5372,
 SENATE BILL NO. 5431,
 SUBSTITUTE SENATE BILL NO. 5488,
 SUBSTITUTE SENATE BILL NO. 5506,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5516,
 SENATE BILL NO. 5615,
 SECOND SUBSTITUTE SENATE BILL NO. 5660,
 ENGROSSED SENATE BILL NO. 5734,
 ENGROSSED SENATE BILL NO. 5756,
 SENATE BILL NO. 5789,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5850,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5855,
 SUBSTITUTE SENATE BILL NO. 5886,
 SUBSTITUTE SENATE BILL NO. 5903,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5911,
 SUBSTITUTE SENATE BILL NO. 5948,
 SUBSTITUTE SENATE BILL NO. 5964,
 ENGROSSED SENATE BILL NO. 5990,
 SUBSTITUTE SENATE BILL NO. 6009,
 SUBSTITUTE SENATE BILL NO. 6013,
 SUBSTITUTE SENATE BILL NO. 6061,
 SENATE JOINT MEMORIAL NO. 8002,
 SENATE JOINT MEMORIAL NO. 8003,
 SENATE JOINT MEMORIAL NO. 8005,
 SENATE JOINT MEMORIAL NO. 8006,
 SENATE JOINT MEMORIAL NO. 8011,
 SENATE JOINT MEMORIAL NO. 8013,
 SENATE JOINT MEMORIAL NO. 8015,
 SENATE JOINT RESOLUTION NO. 8210,
 SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8400,
 ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8403,
 and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

ESSB 5027 by Committee on Ways & Means (originally sponsored by Senators Smith, Smitherman, Saling, Warnke and Sutherland)

Changing the definition of "service" for PERS.

Referred to Committee on Appropriations.

SB 5091 by Senator Rasmussen

Allowing prepayment of state portion of property taxes.

Referred to Committee on Revenue.

SB 5096 by Senators Bluechel, Gaspard, McDonald, Bauer, Conner, Amondson, Anderson, Barr and Johnson

Exempting small timber harvesters from the business and occupation tax.

Referred to Committee on Revenue.

SSB 5117 by Committee on Agriculture (originally sponsored by Senators Barr, Hansen, Gaspard, Anderson, Bailey, Newhouse, Amondson and Benitz)

Limiting liability of u-pick operations.

Referred to Committee on Judiciary.

2SSB 5182 by Committee on Ways & Means (originally sponsored by Senators Barr, Owen, Conner, Metcalf, Sellar, Vognild, Benitz, Bauer, Anderson, West and Kreidler)

Establishing a loan forgiveness program for rural health professionals.

Referred to Committees on Health Care/Revenue.

ESB 5215 by Senators Saling, Bauer, West, Smitherman, Lee, Fleming and Rinehart; by request of Governor

Authorizing financial aid to needy students enrolled on at least a half-time basis.

Referred to Committee on Higher Education.

ESB 5218 by Senators Saling, Bauer, Bailey and Bluechel

Modifying bonds and bond issuance authority of the state finance committee.

Referred to Committee on Capital Facilities & Financing.

SSB 5221 by Committee on Higher Education (originally sponsored by Senators Saling, Bauer, Patterson, Rinehart, Smitherman, Bailey, Lee, West and Warnke)

Establishing the advance college payment program.

Referred to Committee on Higher Education.

ESB 5232 by Senators Bender, McMullen and Lee

Establishing the office of capital projects.

Referred to Committee on Trade & Economic Development.

SSB 5289 by Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, DeJarnatt, Barr, Benitz and Anderson)

Authorizing the formation of regional fisheries enhancement groups.

Referred to Committee on Fisheries & Wildlife.

ESSB 5294 by Committee on Ways & Means (originally sponsored by Senators Newhouse, Moore, Warnke, Hayner, Saling, Owen, Sellar, Stratton, Amondson, Bauer, Matson, Benitz, Smitherman, Smith, Craswell, Nelson, Madsen, Conner, Hansen, Patterson, Bluechel, Johnson, Vognild, von Reichbauer and Lee)

Modifying the business and occupation tax on low-level waste.

Referred to Committee on Revenue.

SB 5298 by Senators Craswell and Bauer

Clarifying qualifications for persons assessing real property.

Referred to Committee on Revenue.

2SSB 5372 by Committee on Ways & Means (originally sponsored by Senators Bluechel, Moore, Nelson, Conner, Owen and Talmadge)

Revising laws concerning recreational boating.

Referred to Committee on Natural Resources & Parks.

SB 5431 by Senators Bauer, Smith, Sutherland, McDonald and Vognild

Exempting property from the leasehold excise tax.

Referred to Committee on Revenue.

SSB 5488 by Committee on Agriculture (originally sponsored by Senators Barr, Hansen, Bauer, Conner, Sellar, DeJarnatt, Owen, Metcalf,

Sutherland, Bailey, Gaspard, Madsen, Newhouse, Hayner, Rinehart, Smitherman, Benitz, Amondson, Anderson and Matson)

Changing penalties and procedures for theft of livestock.

Referred to Committee on Judiciary.

SSB 5506 by Committee on Ways & Means (originally sponsored by Senators Newhouse, Gaspard, Lee, Benitz and Anderson; by request of Department of Community Development)

Making appropriations for projects recommended by the public works board.

Referred to Committee on Capital Facilities & Financing.

ESSB 5516 by Committee on Health Care & Corrections (originally sponsored by Senators Wojahn, Warnke, Johnson, Niemi, Bauer, Rasmussen and West)

Regarding the disabilities land trust.

Referred to Committee on Human Services.

SB 5615 by Senators Bailey, Rinehart, Pullen and Saling

Changing provisions relating to early entrance programs at the University of Washington.

Referred to Committee on Education.

2SSB 5660 by Committee on Ways & Means (originally sponsored by Senators Niemi, Smith and Murray)

Regarding child care resource and referral.

Referred to Committee on Human Services.

ESB 5734 by Senators von Reichbauer, Gaspard, Johnson, Wojahn, Madsen, Smitherman and Rasmussen; by request of Department of Community Development

Settling the Puyallup tribe of Indians claims.

Referred to Committee on Appropriations.

ESB 5756 by Senators McCaslin, Warnke and DeJarnatt

Changing provisions relating to sureties for public works bonds.

Referred to Committee on Capital Facilities & Financing.

SB 5789 by Senators Owen, Stratton, Bender and Rasmussen

Providing additional factors to be considered when reviewing permanent parenting plans.

Referred to Committee on Judiciary.

ESSB 5850 by Committee on Financial Institutions & Insurance (originally sponsored by Senators Johnson, Smitherman, von Reichbauer, Owen, Moore, Sellar, McCaslin, Madsen, Metcalf, Bailey, Thorsness and West)

Modifying the contract transactions of funeral establishments.

Referred to Committee on Health Care.

ESSB 5855 by Committee on Environment & Natural Resources (originally sponsored by Senators Anderson, Metcalf, Owen, Rasmussen and Newhouse)

Revising provisions for the state environmental policy act.

Referred to Committee on Environmental Affairs.

SSB 5886 by Committee on Health Care & Corrections (originally sponsored by Senator West)

Modifying confidentiality standards for information regarding sexually transmitted diseases.

Referred to Committee on Health Care.

SSB 5903 by Committee on Health Care & Corrections (originally sponsored by Senators Kreidler and Bauer)

Providing nursing home care for medically fragile children.

Referred to Committee on Health Care.

ESSB 5911 by Committee on Ways & Means (originally sponsored by Senators Amondson, Stratton, Hayner, Owen, McDonald, Newhouse, Anderson, Matson, Johnson, Smith, Lee, Bailey, Cantu, Thorsness, Patterson, Benitz, Nelson, Saling, Sellar, Craswell, Barr, McCaslin, Conner, Rasmussen, DeJarnatt and Bauer)

Providing for the sale of state timber.

SSB 5948 by Committee on Energy & Utilities (originally sponsored by Senators Benitz, Williams, Stratton, Sutherland, Owen, Nelson, Bluechel and Pullen)

Extending the period for conservation investments.

Referred to Committee on Housing.

SSB 5964 by Committee on Ways & Means (originally sponsored by Senators Hayner, Newhouse, Rasmussen, Nelson, Rinehart, Matson, McDonald, Bluechel, Talmadge, Cantu, Stratton, Sellar, Johnson, Bauer and Saling)

Providing a use tax exemption for personal property donated to colleges and universities.

Referred to Committees on Higher Education/Revenue.

ESB 5990 by Senators Johnson, Moore and McCaslin

Limiting taxes on resale of network telephone service.

Referred to Committee on Revenue.

SSB 6009 by Committee on Law & Justice (originally sponsored by Senators Owen, Nelson, Warnke, Moore and Smith)

Pertaining to custodial interference.

Referred to Committee on Judiciary.

SSB 6013 by Committee on Governmental Operations (originally sponsored by Senators Bluechel, Talmadge, Fleming, Conner and McDonald)

Regulating capacity charges imposed by a metropolitan municipal corporation.

Referred to Committee on Local Government.

SSB 6061 by Committee on Energy & Utilities (originally sponsored by Senators Benitz, Stratton and Bluechel)

Requiring the state patrol to develop a permanent working group to periodically review guidelines and response capabilities to radioactive materials and waste.

Referred to Committee on Energy & Utilities.

SJM 8002 by Senators Metcalf, Sutherland and Benitz

Requesting a Western States Recycling Coalition.

Referred to Committee on Environmental Affairs.

SJM 8003 by Senators Conner, Bender, Madsen, DeJarnatt and Murray

Requesting that the practice of railroad holding tanks dumping on the right of way be discontinued.

Referred to Committee on Transportation.

SJM 8005 by Senator Metcalf

Requesting a dedicated trust fund for an outdoor recreation grant program.

Referred to Committee on Natural Resources & Parks.

SJM 8006 by Senators Metcalf, Kreidler and DeJarnatt

Asking Congress to clarify federal law concerning oil spill remedies.

Referred to Committee on Environmental Affairs.

SJM 8011 by Senators Metcalf and Owen

Requesting that Congress continue to support federal and international greenhouse and sea level use funding.

Referred to Committee on Environmental Affairs.

SJM 8013 by Senators Metcalf, Owen, Sutherland and Rasmussen

Praying that the army corps of engineers install bypass facilities at hydroelectric projects.

Referred to Committee on Fisheries & Wildlife.

SJM 8015 by Senators Benitz, Williams, Sutherland, Bluechel and Stratton

Asking for a comprehensive national energy policy.

Referred to Committee on Energy & Utilities.

SJR 8210 by Senators Barr, Talmadge, Hansen, Benitz and Williams

Modifying the Constitution to allow for entities engaged in water sale or distribution to undertake conservation.

Referred to Committee on Natural Resources & Parks.

SSCR 8400 by Committee on Agriculture (originally sponsored by Senators Barr, Hansen, Lee, Gaspard and Benitz)

Creating a joint select committee on agricultural products clear title.

Referred to Committee on Agriculture & Rural Development.

ESCR 8403 by Senators West, Smitherman, Lee, Warnke, McMullen and Fleming

Providing for a joint select committee on employer-employee relations.

Referred to Committee on Commerce & Labor.

MOTION

On motion of Mr. Ebersole, the bills, memorials and resolutions listed on today's supplemental introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:00 a.m., Wednesday, March 15, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SIXTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 15, 1989

The House was called to order at 9:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Brough, Holland, Jacobsen, P. King, R. King, Vekich, Wineberry and Mr. Speaker. On motion of Ms. Cole, Representative Wineberry was excused. On motion of Ms. Miller, Representatives Brough and Holland were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Gavin Duncan and Gretchen Bender. Prayer was offered by Pastor Robert Lyon, Minister of the United Methodist Church of Eatonville.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**CENTENNIAL MESSAGE
FROM THE WASHINGTON STATE HISTORICAL SOCIETY**

March 15, 1989

On this day in 1889, in Kalama, the Cowlitz Bulletin, a weekly newspaper appearing on Fridays, was first published. It later became the Kalama Bulletin. And, the dead bodies of seven Indians, killed by the smallpox epidemic, were found near Mt. Vernon; one had been laid in his canoe by friends and set adrift before they all died.

On March 15, 1893 the Governor signed a bill to buy fairgrounds for a state fair at Yakima.

On March 15, 1915 Chehalis County was renamed Grays Harbor County.

MESSAGE FROM THE SENATE

March 14, 1989

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5002,
 SUBSTITUTE SENATE BILL NO. 5021,
 SENATE BILL NO. 5023,
 SECOND SUBSTITUTE SENATE BILL NO. 5073,
 SUBSTITUTE SENATE BILL NO. 5116,
 SENATE BILL NO. 5129,
 SUBSTITUTE SENATE BILL NO. 5131,
 SENATE BILL NO. 5134,
 SUBSTITUTE SENATE BILL NO. 5135,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5149,
 SUBSTITUTE SENATE BILL NO. 5173,
 SECOND SUBSTITUTE SENATE BILL NO. 5174,
 SENATE BILL NO. 5183,
 SUBSTITUTE SENATE BILL NO. 5197,
 SENATE BILL NO. 5222,
 SECOND SUBSTITUTE SENATE BILL NO. 5268,
 SUBSTITUTE SENATE BILL NO. 5307,
 SENATE BILL NO. 5312,
 SENATE BILL NO. 5374.

SECOND SUBSTITUTE SENATE BILL NO. 5375.
SUBSTITUTE SENATE BILL NO. 5420.

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

2SSB 5002 by Committee on Ways & Means (originally sponsored by Senators Lee, McMullen and Conner)

Establishing the international policy advisory council.

Referred to Committee on Trade & Economic Development.

SSB 5021 by Committee on Health Care & Corrections (originally sponsored by Senator Kreidler)

Establishing a health education program on fats and cholesterol.

Referred to Committee on Health Care.

SB 5023 by Senators Benitz and Williams; by request of Washington Utilities and Transportation Commission

Revising provisions for proposed tariff changes.

Referred to Committee on Energy & Utilities.

2SSB 5073 by Committee on Ways & Means (originally sponsored by Senators Pullen and Talmadge)

Establishing a central repository for collection and analysis of information on crimes involving bigotry and bias.

Referred to Committee on Judiciary.

SSB 5116 by Committee on Agriculture (originally sponsored by Senators Barr, Hansen, Anderson and Bailey)

Prohibiting animals at large.

Referred to Committee on Agriculture & Rural Development.

SB 5129 by Senators McCaslin and Rasmussen

Limiting the authority of the state board of health or a local board of health to prohibit on-site sewage systems.

Referred to Committee on Environmental Affairs.

SSB 5131 by Committee on Governmental Operations (originally sponsored by Senator McCaslin)

Providing a limitation on the raising of local improvement district assessments.

Referred to Committee on Local Government.

SB 5134 by Senator McCaslin

Revising procedures for assessment of special benefits to property.

Referred to Committee on Local Government.

SSB 5135 by Committee on Governmental Operations (originally sponsored by Senators McCaslin and Rasmussen)

Limiting the authority of a board of health or health department to require property owners to participate in a local improvement district in order to obtain on-site sewage system permits.

Referred to Committee on Local Government.

ESSB 5149 by Committee on Transportation (originally sponsored by Senators von Reichbauer, Talmadge and Patterson)

Increasing student transportation safety.

Referred to Committee on Transportation.

SSB 5173 by Committee on Governmental Operations (originally sponsored by Senators McCaslin, Thorsness, DeJarnatt, Hayner and Vognild; by request of State Auditor)

Relating to disclosure of improper governmental action.

Referred to Committee on State Government.

2SSB 5174 by Committee on Ways & Means (originally sponsored by Senators Benitz, Williams and Madsen; by request of Washington State Energy Office)

Furthering the state hydropower plan.

Referred to Committee on Capital Facilities & Financing.

SB 5183 by Senators von Reichbauer, Talmadge, Patterson, DeJarnatt and Lee

Enhancing pedestrian safety.

Referred to Committee on Transportation.

SSB 5197 by Committee on Law & Justice (originally sponsored by Senators Pullen, Talmadge, Nelson, Rasmussen and Warnke; by request of Governor)

Broadening the definition of executive state officer.

Referred to Committee on State Government.

SB 5222 by Senators Saling, Gaspard, Smitherman, Patterson, Bauer, Stratton, Lee and West

Repealing the termination of the loan program for mathematics and science teachers.

Referred to Committee on Higher Education.

2SSB 5268 by Committee on Ways & Means (originally sponsored by Senators Benitz, Saling, Hayner, Warnke, Owen, Smith, Smitherman, Amondson, Stratton, Matson, Nelson, Craswell, Sellar, Sutherland, Madsen, Johnson and von Reichbauer)

Regarding low-level radioactive waste surcharge.

Referred to Committee on Energy & Utilities.

SSB 5307 by Committee on Economic Development & Labor (originally sponsored by Senators Anderson, McMullen and Moore)

Creating additional requirements for contractor advertising.

Referred to Committee on Commerce & Labor.

SB 5312 by Senators Bailey, Metcalf, Rinehart and Lee

Revising grade level certification requirements for teachers.

Referred to Committee on Education.

SB 5374 by Senators Cantu, Kreidler, Barr and Stratton; by request of Department of Ecology

Authorizing issuance of public waste disposal general obligation bonds.

Referred to Committee on Environmental Affairs.

2SSB 5375 by Committee on Ways & Means (originally sponsored by Senators Pullen, Talmadge, Owen, McMullen, Thorsness, Madsen, Sutherland, Gaspard and Benitz)

Establishing a DNA identification system.

Referred to Committee on Judiciary.

SSB 5420 by Committee on Transportation (originally sponsored by Senators Patterson, Bender, DeJarnatt, Rasmussen and West)

Authorizing issuance of special license plates.

Referred to Committee on Transportation.

ESSB 5911 by Committee on Ways & Means (originally sponsored by Senators Amondson, Stratton, Hayner, Owen, McDonald, Newhouse, Anderson, Matson, Johnson, Smith, Lee, Bailey, Cantu, Thorsness, Patterson, Benitz, Nelson, Saling, Sellar, Craswell, Barr, McCaslin, Conner, Rasmussen, DeJarnatt and Bauer)

Providing for the sale of state timber.

Held on First Reading from 3/14/89.

MOTION

On motion of Mr. Heavey, the bills listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

The Speaker assumed the Chair.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1891 on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1891, by Representatives Belcher, Patrick, Dorn and Ferguson

Establishing procedures for private moorage facilities which parallel port districts.

The bill was read the second time.

Ms. Belcher moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Belcher and Beck spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1891.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1891, and the bill passed the House by the following vote: Yeas, 90; absent, 5; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Hine, Horn, Inslee, Jesernig, Jones, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Heavey, Jacobsen, King P, King R, Vekich - 5.

Excused: Representatives Brough, Holland, Wineberry - 3.

Substitute House Bill No. 1891, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1958, by Representatives R. Fisher, Hankins, Anderson, R. King, McLean, Sayan and Morris

Specifying Chiropractic board membership requirements and clarifying the duties of board members.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives R. Fisher and McLean spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1958.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1958, and the bill passed the House by the following vote: Yeas, 91; absent, 4; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Horn, Insee, Jesernig, Jones, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Jacobsen, King P, King R, Vekich - 4.

Excused: Representatives Brough, Holland, Wineberry - 3.

Substitute House Bill No. 1958, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Holland, Jacobsen and Vekich appeared at the bar of the House.

HOUSE BILL NO. 1996, by Representatives McLean, R. Fisher, Ballard, Rector, Rayburn, Miller, Brumsickle, Holland, Sayan, Prince, Anderson and Winsley

Revising voter registration cancellation procedures.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted (For committee amendment, see Journal, 52nd Day, March 1, 1989.) and the bill be advanced to third reading. Representatives R. Fisher and McLean spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1996.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1996, and the bill passed the House by the following vote: Yeas, 94; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives King P, King R - 2.

Excused: Representatives Brough, Wineberry - 2.

Engrossed House Bill No. 1996, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 2035 on the suspension calendar. The motion was carried.

HOUSE BILL NO. 2035, by Representatives R. Fisher, Anderson, Jacobsen and P. King

Permitting individuals or voter registration officers to complete applications to register to vote.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives R. Fisher and McLean spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 2035.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2035, and the bill passed the House by the following vote: Yeas, 94; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives King P, King R - 2.

Excused: Representatives Brough, Wineberry - 2.

House Bill No. 2035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2037, by Representatives Raiter, Cooper, Morris, Brumsickle, Vekich, Peery, Bowman, Schoon and H. Myers

Extending exemptions for Mt. St. Helens recovery operations.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives R. Fisher and McLean spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 2037.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2037, and the bill passed the House by the following vote: Yeas, 94; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives King P, King R - 2.

Excused: Representatives Brough, Wineberry - 2.

House Bill No. 2037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2051, by Representative Locke

Minimizing the involuntary displacement of tenants in federally assisted housing.

The bill was read the second time.

Ms. Nutley moved that the committee recommendation be adopted (For committee amendments, see Journal, 52nd Day, March 1, 1989.) and the bill be advanced to third reading. Ms. Nutley spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2051.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2051, and the bill passed the House by the following vote: Yeas, 94; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives King P, King R - 2.

Excused: Representatives Brough, Wineberry - 2.

Engrossed House Bill No. 2051, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative P. King appeared at the bar of the House.

HOUSE BILL NO. 2054, by Representatives Locke, Todd, O'Brien, Padden, Appelwick, Anderson, Winsley, Belcher and P. King

Specifying the conditions which the state must follow prior to the release of involuntarily committed and dangerous individuals.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Appelwick spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Bill No. 2054.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2054, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative King R - 1.

Excused: Representatives Brough, Wineberry - 2.

House Bill No. 2054, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider the following bills on the regular second reading calendar in the following order: House Bill No. 1339, House Bill No. 1741, House Bill No. 1520, House Bill No. 1552, House Bill No. 1554, House Bill No. 1574, House Bill No. 1602 and House Bill No. 1620. The motion was carried.

HOUSE BILL NO. 1339, by Representatives Wolfe, Zellinsky, Padden and Day
Modifying county government.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1339 was substituted for House Bill No. 1339, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1339 was read the second time.

Mr. Heavey moved adoption of the following amendments:

On page 1, line 16, strike "a" and insert "the 1989 or 1990"

On page 1, line 20, after "submitted" insert "at the 1989 or 1990 general election"

On page 2, after line 8, insert:

"(3) A ballot proposition authorizing an increase in the size of a board of county commissioners under this section may not be submitted to county voters after the 1990 general election."

Representatives Heavey and Wolfe spoke in favor of adoption of the amendments, and they were adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1339, and the bill passed the House by the following vote: Yeas, 84; nays, 11; absent, 1; excused, 2.

Voting yea: Representatives Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cooper, Crane, Day, Dorn, Doty, Ferguson, Fisher R, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Holland, Horn, Inslee, Jacobsen, Jesernig, King P, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Loven, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 84.

Voting nay: Representatives Anderson, Cole, Dellwo, Ebersole, Fisher G, Fraser, Heavey, Hine, Jones, Vekich, and Mr. Speaker - 11.

Absent: Representative King R - 1.

Excused: Representatives Brough, Wineberry - 2.

Engrossed Substitute House Bill No. 1339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Brough appeared at the bar of the House.

HOUSE BILL NO. 1741, by Representatives Betzoff, Peery, G. Fisher, Walker, Ferguson, Miller, Winsley and Wood; by request of Superintendent of Public Instruction

Revising the eleventh grade assessment.

The bill was read the second time. On motion of Mr. Grant, Substitute House Bill No. 1741 was substituted for House Bill No. 1741, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1741 was read the second time.

Mr. Betrozoff moved adoption of the following amendments by Representatives Betrozoff, Brumsickle, Walker, Cole and G. Fisher:

On page 2, line 28, after "life;" strike "and" and insert "a guidance profile based on the analysis of high school transcripts;"

On page 2, line 29, after "inventory" insert "and; with cooperation of two-year and four-year colleges and universities, vocational and technical training institutions, and major employers, a follow-up of student's postsecondary experience"

Representatives Betrozoff and Walker spoke in favor of adoption of the amendments, and Mr. Peery spoke against them.

The amendments were not adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1741, and the bill passed the House by the following vote: Yeas, 95; nays, 1; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Wilson K - 1.

Absent: Representative King R - 1.

Excused: Representative Wineberry - 1.

Substitute House Bill No. 1741, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1520, by Representatives Walk, Schmidt, S. Wilson, Sayan, R. Fisher, Betrozoff, R. King, Vekich, Haugen, H. Sommers, R. Meyers and Pruitt: by request of Marine Employees' Commission

Changing provisions relating to salary surveys for ferry system employees.

The bill was read the second time.

Mr. Walk moved adoption of the following amendments by Representatives Walk and Sayan:

On page 1, line 21, after "employees" strike all material down to and including "~~employees~~" on line 22 and insert "~~((within the state, and other Washington state employees)) in states along the east and west coasts of the United States, including Alaska, and in British Columbia~~"

On page 2, line 2, after "employees" strike all material down to and including "~~employees~~" on line 3 and insert "~~((within the state, and other Washington state employees)) in states along the east and west coasts of the United States, including Alaska, and in British Columbia~~"

On page 4, line 19, after "employees" strike all material down to and including "~~employees~~" on line 20 and insert "~~((within the state, and other Washington state employees)) in states along the east and west coasts of the United States, including Alaska, and in British Columbia~~"

Mr. Walk spoke in favor of adoption of the amendments, and they were adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Walk spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Walk yielded to question by Mr. Sayan.

Mr. Sayan: Mr. Walk, will the Marine Employees Commission be required to survey all ferry systems operating on the locations specified in the bill?

Mr. Walk: No, Representative Sayan. Only those systems will be used which have employees meeting the criteria set in the bill as to who shall be compared.

Mr. Sayan: Will the size of the ferry system's vessels be considered in determining whether a system is included in the survey?

Mr. Walk: Yes, the size, tonnage and horsepower of the vessels will be considered in determining the scope of the survey.

Mr. Sayan: Finally, if a ferry system or other employer is included in the survey, will all classifications of employees of that employer be used in the survey?

Mr. Walk: Not necessarily. Only those employees, who do work which meets the criteria set in the bill as to who shall be compared, will be included.

Representatives Sayan and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1520, and the bill passed the House by the following vote: Yeas, 95; nays, 1; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Vekich - 1.

Absent: Representative King R - 1.

Excused: Representative Wineberry - 1.

Engrossed House Bill No. 1520, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1552, by Representatives Todd, Nutley, Padden, Patrick, Holland, Anderson, D. Sommers, Leonard, Walk, Pruitt, Crane, Nelson and Dorn

Establishing the office of mobile home affairs and tenant lot fees.

The bill was read the second time. Committee on Housing recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 24, 1989.)

Ms. Nutley moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Todd and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1552, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, Kremen, Leonard, Locke, May, McLean, Meyers R,

Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative King R - 1.

Excused: Representative Wineberry - 1.

Engrossed House Bill No. 1552, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1554, by Representatives Jacobsen, Chandler, Fraser, Belcher, Anderson, Ballard, Wolfe and Brekke

Providing a program to promote organic farming and low-input agriculture.

The bill was read the second time. On motion of Mr. Grant, Substitute House Bill No. 1554 was substituted for House Bill No. 1554, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1554 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jacobsen, Nealey and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1554, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insløe, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Wineberry - 1.

Substitute House Bill No. 1554, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1574, by Representatives Wang, D. Sommers, Haugen and Nealey

Authorizing cities and towns to impose an excise tax on brokered natural gas.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1574 was substituted for House Bill No. 1574, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1574 was read the second time.

Mr. Wang moved adoption of the following amendments by Representatives Wang and Holland:

On page 1, line 7, after "the" strike "marketing practices of natural gas companies" and insert "federal regulations governing the sale of brokered natural gas"

On page 2, line 6, after "consumer" strike "which" and insert "when that tax"

On page 2, line 10, strike all of subsection (b) and insert:

"(b) The person consuming the gas upon which a use tax similar to the tax imposed by this section was paid to another state with respect to the gas for which a credit is sought under this subsection."

On page 2, line 35, after "consumer" strike "which" and insert "when that tax"

On page 3, line 3, strike all of subsection (b) and insert:

"(b) The person consuming the gas upon which a use tax similar to the tax imposed by this section was paid to another state with respect to the gas for which a credit is sought under this subsection."

Mr. Wang spoke in favor of adoption of the amendments, and they were adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang and D. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1574, and the bill passed the House by the following vote: Yeas, 93; nays, 4; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Horn, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Fisher G, Heavey, Inslée, Jesernig - 4.

Excused: Representative Wineberry - 1.

Engrossed Substitute House Bill No. 1574, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Wineberry appeared at the bar of the House.

HOUSE BILL NO. 1602, by Representatives Brekke, Patrick, Dellwo, Moyer, Nelson, Holland, Crane, S. Wilson, P. King, R. Fisher, Todd, Anderson, Cole, Leonard, Heavey, K. Wilson, Rust, Rayburn, Pruitt, Kremen and Wineberry

Establishing an adoption disclosure procedure.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Brekke, Patrick and Zellinsky spoke in favor of passage of the bill, and Representatives Hargrove and Padden opposed it.

Mr. Crane demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1602, and the bill passed the House by the following vote: Yeas, 77; nays, 21.

Voting yea: Representatives Anderson, Appelwick, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Haugen, Heavey, Hine, Holland, Horn, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Smith, Sommers H, Spanel, Sprenkle, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Wood, Youngsman, Zellinsky, and Mr. Speaker - 77.

Voting nay: Representatives Ballard, Basich, Bowman, Brooks, Brough, Brumsickle, Chandler, Fuhrman, Hankins, Hargrove, Inslée, Jesernig, McLean, Nealey, Padden, Scott, Silver, Sommers D, Tate, Winsley, Wolfe - 21.

House Bill No. 1602, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1620, by Representatives Raiter, Belcher, R. Fisher, G. Fisher, Scott, R. King, Cole, Brumsickle, McLean, Bowman, Nutley, Locke, H. Myers, Jones, Jesernig, Nelson, Hargrove, Ferguson, P. King, Pruitt, Sprenkle and Rector

Providing for mediation of natural resource disputes.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Raiter and Beck spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1620, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Vekich - 1.

House Bill No. 1620, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 2140 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 2140, by Representatives Cantwell, Hargrove, Moyer, R. Fisher, Phillips, Walk, Haugen, Prince, Wineberry, Hine, Nelson, Miller and P. King

Establishing the Washington state growth strategies commission.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Trade & Economic Development as amended by Committee on Appropriations. (For committee amendment, see Journal, 57th Day, March 6, 1989.)

On motion of Ms. Cantwell, Substitute House Bill No. 2140 was substituted for House Bill No. 2140, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2140 was read the second time.

On motion of Mr. Grant, the committee amendment was adopted.

Ms. Schmidt moved adoption of the following amendment by Representatives Schmidt, Prince, S. Wilson, Betzoff, Ballard, Brough, Walker, Wood, Smith and Patrick:

On page 4, line 23, beginning with "(1)" strike material down through "47.26.080;" on line 26

Renumber following sections consecutively.

Representatives Schmidt, Schoon and Betzoff spoke in favor of adoption of the amendment, and Representatives Cantwell and Wineberry opposed it.

Mr. Crane demanded the previous question, and the demand was sustained.

The Speaker stated the question before the House to be the adoption of the amendment by Representative Schmidt and others.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 34; Nays - 64. The amendment was not adopted.

Ms. Cantwell moved adoption of the following amendment by Representatives Cantwell and Moyer:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the future of the state is dependent upon the wise use of its resources and an orderly growth process that enhances the quality of life of its citizens. The legislature finds that a balanced growth strategy is needed to protect natural resources and to ensure their availability for future generations, to provide needed infrastructure at the time growth has its impact, to assure the coordinated expansion and delivery of public services, and to increase the predictability of development decisions.

The legislature finds that in some regions of the state, the delayed investment for infrastructure has contributed significantly to growth-related problems. A coordinated and orderly growth strategy will help to promote the cost-effective and efficient delivery of services by state and local governments in terms of education, housing, infrastructure, environmental degradation, economic productivity, and public health and safety. The legislature finds that a coordinated growth strategy that defines the state's role and permits flexible local responses will strengthen the ability of local governments and regions to promote orderly and balanced growth.

The legislature finds that Washington state is a state of wide diversity with varied growth rates, population densities, employment patterns, and structures of local governments. New proposals to accommodate growth should consider recent comprehensive studies that suggest local governments require additional resources and flexibility to meet local needs and to provide necessary infrastructure.

NEW SECTION. Sec. 2. There is hereby created the Washington state growth strategies commission, referred to in this chapter as the commission.

The commission shall consist of seventeen members appointed by the governor comprising a balance of the key geographic regions of the state as follows:

- (1) Four members of the legislature, including one member from each of the four largest caucuses in the legislature;
- (2) The chair, selected by the governor;
- (3) Two members representing a rural and an urban area selected from a list of qualified nominees submitted by the Washington state association of counties;
- (4) Two members representing a rural and an urban area selected from a list of qualified nominees submitted by the association of Washington cities; and
- (5) Eight members from the private sector and citizen organizations representing a balance of positions on growth issues.

The governor shall appoint the members of the commission within thirty days after the effective date of this act. Members shall serve two-year terms.

The commission shall meet regularly and shall create subcommittees as needed to deal with specific issues and concerns. Members shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060, except legislative members shall be reimbursed under RCW 44.04.120. The commission may receive private sector gifts and grants to carry out its purposes.

NEW SECTION. Sec. 3. The commission has the following powers and duties:

- (1) Develop a specific growth strategy for the state that is consistent with the goals established in section 4 of this act. In developing the strategy, the commission shall review recent related state reports including, but not limited to the rail development commission, local governance study commission, road jurisdiction study, department of transportation policy plan, Washington state economic development board, and the Puget Sound water quality management plan;
- (2) Evaluate the state interests, priorities, and values in planning for growth and enhancing coordination with and between local governments;
- (3) Analyze growth planning and management systems used in other states and suggest appropriate alternatives for the state of Washington that include coordination and cooperation between appropriate state agencies;
- (4) Identify various state funds and regulations that directly affect growth planning and recommend ways to streamline, make more predictable, and coordinate state agency functions with local governments;
- (5) Recommend ways to enhance regional planning on issues of regional significance and recommend ways to develop urban-rural links and to expand urban-rural cooperation and planning;
- (6) Encourage the implementation of interlocal processes or local government service agreements to promote efficient provision of local government services such as those recommended by the local governance study commission created by chapter 43.63A RCW;
- (7) Include broad-based citizen input in the recommendations of the commission; and
- (8) Submit to the legislature by January 8, 1990, a set of preliminary findings or recommendations. Recommend to the legislature by January 1991, a coordinated system of growth planning including state and regional roles, enhanced comprehensive planning at the municipal and county levels, and means to fund the planning process.

NEW SECTION. Sec. 4. In developing a growth strategy for the state, the commission shall establish growth planning goals. In establishing these goals, the commission shall consider, but not be limited to, the following:

(1) Support the planning, financing, and development of public facilities and services in the most efficient manner possible by supporting the maximum use of existing facilities before investing in new infrastructure;

(2) Protect landowners' property rights from unjust acquisitions or other arbitrary and discriminatory actions;

(3) Promote cost-effective growth planning that is coordinated and consistent between state government and local governments and that promotes predictable and timely development decisions;

(4) Encourage the widest possible involvement by citizens in all aspects of the planning process to ensure that proposed growth strategies and plans have had the benefit of citizen input;

(5) Encourage highly efficient multimodal transportation systems that are based on regional consensus and priorities;

(6) Support orderly growth and development in appropriate areas of each community, while protecting its open space and quality of life, commercial public and private timber stands, agricultural lands, and sensitive natural ecosystems;

(7) Promote the increase of affordable housing stock, including housing for low-income and moderate-income families, manufactured housing, and multifamily housing;

(8) Maintain and enhance productive agriculture, timber, fisheries and other natural resource based industries;

(9) Protect the state's water quality and supply and critical natural resources, including lakes, river and coastal areas, and wildlife and fisheries habitat from incompatible development; and

(10) Promote the development of parks and protect the availability of outdoor recreation opportunities for all Washington citizens.

NEW SECTION. Sec. 5. Staffing of the commission shall be provided by the department of community development with support from the department of transportation. The governor and the legislature may provide additional staff and facilities as may be reasonably required to assist the commission in carrying out its duties and responsibilities. The chair of the commission shall be responsible for hiring the executive director.

NEW SECTION. Sec. 6. There is hereby appropriated from the general fund to the department of community development three hundred fifty thousand dollars, or as much thereof as may be necessary, for the biennium ending June 30, 1991, to carry out the purposes of this act.

NEW SECTION. Sec. 7. Starting July 1, 1991, the office of financial management shall allot no more than fifty percent of the funds appropriated by the legislature from the following accounts or for the following programs:

(1) The motor vehicle fund for category 'C' projects under RCW 47.05.030;

(2) The transportation improvement account under RCW 47.26.084;

(3) The urban arterial trust account under RCW 47.26.080;

(4) The public works assistance account under RCW 43.155.050;

(5) The water quality account under RCW 70.146.030;

(6) The public facility construction loan revolving account under RCW 43.160.080; and

(7) The land bank under RCW 79.66.020.

Such funds shall be held in reserve by the office of financial management until such time as the legislature enacts legislation based on the report of the growth strategies commission required in section 3 of this act or until the legislature otherwise enacts legislation authorizing release of the funds. Nothing in this section shall be construed to prevent the release of funds required for compliance with federal laws or to retire existing bond repayments. The growth strategies commission may recommend any new criteria or formula for appropriating these funds to promote growth consistent with the purposes of this act.

After July 1, 1991, any local applicant for funds included in this section located in counties whose population is greater than one hundred thousand persons shall have adopted a local comprehensive plan. Cities and towns must adopt a comprehensive plan under chapter 35.63 or 35A.63 RCW or under the authority of its charter, where applicable. Counties must adopt a comprehensive plan under chapter 35.63 or 36.70 RCW or under the authority of its own charter, where applicable.

Sec. 8. Section 46.68.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 66, Laws of 1986 and RCW 46.68.100 are each amended to read as follows:

From the net tax amount in the motor vehicle fund there shall be paid monthly as funds accrue the following sums:

(1) To the cities and towns, to be distributed as provided by RCW 46.68.110, sums equal to six and ninety-two hundredths percent of the net tax amount;

(2) To the cities and towns, to be expended as provided by RCW 46.68.115, sums equal to four and sixty-one hundredths percent of the net tax amount;

(3) To the counties, sums equal to twenty-two and seventy-eight hundredths percent of the net tax amount out of which there shall be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725, with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

(4) To the urban arterial trust account in the motor vehicle fund, sums equal to seven and twelve hundredths percent of the net tax amount;

(5) To the state, to be expended as provided by RCW 46.68.130, sums equal to forty-five and twenty-six hundredths percent of the net tax amount;

(6) To the state, to be expended as provided by RCW 46.68.150 as now or hereafter amended, sums equal to six and ninety-five hundredths percent of the net tax amount;

(7) To the Puget Sound capital construction account in the motor vehicle fund sums equal to three and twenty-one hundredths percent of the net tax amount;

(8) To the Puget Sound ferry operations account in the motor vehicle fund sums equal to three and fifteen hundredths percent of the net tax amount.

For subsections (1), (2), and (3) of this section, after July 1, 1991, one-half of the net tax amount to be distributed according to the subsection shall not be released until the legislature enacts legislation based on the report of the growth strategies commission required in section 3 of this act or until the legislature otherwise enacts legislation authorizing release of the funds.

Nothing in this section or in RCW 46.68.090 or 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor and special vehicle fuels.

NEW SECTION. Sec. 9. Sections 1 through 5 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Representatives Cantwell and Moyer spoke in favor of adoption of the amendment, and Representatives Prince, Wood and Betrozoff opposed it.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Mr. Crane demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representatives Cantwell and Moyer to Substitute House Bill No. 2140, and the amendment was adopted by the following vote: Yeas, 67; nays, 31.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 67.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brumsickle, Chandler, Dorn, Ferguson, Fuhrman, Gallagher, Holland, Horn, May, McLean, Miller, Nealey, Padden, Patrick, Prince, Schmidt, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Wolfe, Wood, Youngsman - 31.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "coordination," strike the remainder of the title and insert "amending RCW 46.68.100; adding a new chapter to Title 43 RCW; creating a new section; making an appropriation; and declaring an emergency."

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cantwell, Moyer, Hargrove, G. Fisher, Hine, Wineberry and R. Fisher spoke in favor of passage of the bill, and Representatives Patrick and Horn opposed it.

Mr. Crane demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2140, and the bill passed the House by the following vote: Yeas, 67; nays, 31.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Wolfe, Zellinsky, and Mr. Speaker - 67.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Brough, Brumsickle, Chandler, Dorn, Ferguson, Fuhrman, Hamkins, Holland, Horn, May, McLean, Miller, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Wood, Youngsman - 31.

Engrossed Substitute House Bill No. 2140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. Appelwick to preside.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 2070 on the suspension calendar. The motion was carried.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4636, by Representatives Rasmussen and Dorn

WHEREAS, In March of 1889 "Indian Henry" led Thomas C. Van Eaton to the site of modern-day Eatonville; and

WHEREAS, Thomas C. Van Eaton then built the first trading post, began the first stagecoach line to Spanaway, and became Postmaster of the town dubbed "Eatonville" by the United States Post Office; and

WHEREAS, Thomas C. Van Eaton donated land for the first churches, the first school, the first hotel and the first newspaper in Eatonville; and

WHEREAS, Thomas C. Van Eaton served as Postmaster, School Board Member and State Legislator on behalf of the citizens of Eatonville; and

WHEREAS, Thomas Van Eaton's son, John Van Eaton, still resides in Eatonville; and

WHEREAS, March 1989 marks the one-hundredth anniversary of the founding of Eatonville;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the achievements of Thomas C. Van Eaton, founder of Eatonville, on the one-hundredth anniversary of the founding of Eatonville; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Mayor of Eatonville, the City Council of Eatonville and to John Van Eaton.

Ms. Rasmussen moved adoption of the resolution. Representatives Rasmussen and Dorn spoke in favor of the resolution.

House Floor Resolution No. 89-4636 was adopted.

HOUSE BILL NO. 2070, by Representatives Todd and Hargrove

Applying the state building code to buildings or structures moved into a county or city.

The bill was read the second time.

Ms. Nutley moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Nutley spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2070.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2070, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 2070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2098, by Representatives Walk and Patrick

Modifying provisions for computing county road costs.

The bill was read the second time.

Mr. Walk moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Walk spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of House Bill No. 2098.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2098, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 2098, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2103, by Representatives Fraser, Belcher, R. Fisher, Ballard, McLean, Rasmussen, Dorn, Haugen and Winsley

Revising provisions for fire fighters.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. R. Fisher spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of House Bill No. 2103.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2103, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean,

Meyers R. Miller, Morris, Moyer, Myers H. Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 2103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2110, by Representative Appelwick

Reducing elected officials' contributions to the teachers' retirement system to six percent.

The bill was read the second time.

Mr. Locke moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Locke spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of House Bill No. 2110.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2110, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Bailard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R. Miller, Morris, Moyer, Myers H. Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 2110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2131, by Representatives Nutley and Winsley

Making additional requirements for mobile home electrical inspections.

The bill was read the second time.

Ms. Nutley moved that the committee recommendation be adopted (For committee amendment, see Journal, 52nd Day, March 1, 1989.) and the bill be advanced to third reading. Ms. Nutley spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2131.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2131, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Bailard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R. Miller, Morris, Moyer, Myers H. Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 2131, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2142, by Representatives Hargrove, Jones and Van Luven

Authorizing cities and towns to reimburse litigation expenses to reimburse prevailing parties in a lawsuit where the city or town is a party.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Cooper and Ferguson spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of House Bill No. 2142.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2142, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 2142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2151, by Representatives H. Myers, Tate, Locke, Appelwick, Padden, Hargrove, Moyer, R. Meyers, Dellwo, D. Sommers, P. King, Belcher, Scott, Crane, Inslee and Wolfe

Regarding disposition and sentencing of juvenile offenders.

The bill was read the second time.

Mr. Crane moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Crane spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2151.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2151, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 2151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2155, by Representatives Appelwick and P. King

Making changes to the parenting act.

The bill was read the second time.

Mr. Crane moved that the committee recommendation be adopted (For committee amendment, see Journal, 52nd Day, March 1, 1989.) and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2155.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2155, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 2155, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE JOINT MEMORIAL NO. 4017, by Representative R. King

Asking Congress to direct the army corps of engineers to construct fish bypass facilities on the Columbia River.

The memorial was read the second time.

Mr. R. King moved that the committee recommendation be adopted and the memorial be advanced to third reading. Mr. R. King spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Joint Memorial No. 4017.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4017, and the memorial passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Joint Memorial No. 4017, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1423, by Representatives Day, Cantwell, Wineberry, Schoon, Rasmussen, Doty, Kremen, McLean, Rayburn, Jesernig, Ferguson, Jacobsen, Rector and P. King

Authorizing the creation of local seed capital pools.

The bill was read the second time.

Mr. Day moved that the committee recommendation be adopted (For committee amendment, see Journal, 52nd Day, March 1, 1989.) and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1423.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1423, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1502, by Representatives Walk and Schmidt; by request of Department of Transportation

Adjusting vehicle permit fees.

The bill was read the second time.

Mr. Baugher moved that the committee recommendation be adopted (For committee amendments, see Journal, 52nd Day, March 1, 1989.) and the bill be advanced to third reading. Mr. Baugher in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1502.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1502, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Myers H - 1.

Engrossed House Bill No. 1502, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1577, by Representatives R. Fisher, McLean, Holland, Silver, H. Sommers, Anderson and Winsley; by request of Office of Financial Management

Establishing liability for state trust funds.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives R. Fisher and McLean spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1577.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1577, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1577, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1578, by Representatives R. Fisher, McLean, Holland, Silver, H. Sommers and Anderson; by request of Office of Financial Management

Allowing write-offs of uncollectible accounts.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted (For committee amendments, see Journal, 52nd Day, March 1, 1989.) and the bill be advanced to third reading. Representatives R. Fisher and McLean spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1578.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1578, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1578, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1579, by Representatives R. Fisher, McLean, Holland, Silver, H. Sommers, Anderson and Winsley; by request of Office of Financial Management

Allowing state agencies to charge interest on debts.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted (For committee amendment, see Journal, 52nd Day, March 1, 1989.) and the bill be advanced to third reading. Mr. McLean spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1579.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1579, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1579, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1608, by Representative Walk

Modifying the regulation of ocularists.

The bill was read the second time.

Mr. Braddock moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Braddock and Brooks spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1608.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1608, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1608, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1701, by Representatives Leonard, Patrick, Prentice, Braddock, Anderson, Crane, Brooks, Moyer, Cooper, Zellinsky, H. Myers, Bowman, Ferguson and Youngsman

Allowing choice of pharmacies.

The bill was read the second time.

Mr. Braddock moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Braddock spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1701.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1701, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt,

Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1701, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1771, by Representatives Fraser, Cooper and Wood

Changing the fee on applications for current use classifications.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the bill be advanced to third reading. Representatives Cooper and Fraser spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of House Bill No. 1771.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1771, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Saryan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1771, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1794, by Representatives H. Sommers, Schoon and Bristow; by request of State Treasurer

Modifying the state's ability to enter into contracts for the purchase of real or personal property.

The bill was read the second time.

Ms. H. Sommers moved that the committee recommendation be adopted (For committee amendment, see Journal, 52nd Day, March 1, 1989.) and the bill be advanced to third reading. Ms. H. Sommers spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1794.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1794, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Saryan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1794, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 1896 and that the bill hold its place on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1911, by Representatives Cooper, Ferguson, Nutley, Haugen and Raiter

Revising and adding provisions on special districts.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Cooper spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1911.

Mr. Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1911, and the bill passed the House by the following vote: Yeas, 98.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1911, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1964, by Representatives Prentice, D. Sommers, Braddock, Brooks, Gallagher, S. Wilson, Baugher, Cantwell, G. Fisher, Anderson and Winsley

Substituting the term health care facility for nursing home in the nursing assistant's act.

The bill was read the second time.

Mr. Braddock moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Prentice spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1964.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1964, and the bill passed the House by the following vote: Yeas, 98.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1964, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2013, by Representatives Ferguson, Haugen and Winsley

Specifying when a financing bond issue is to be submitted to voters at a park and recreation district proposal election.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted (For committee amendment, see Journal, 52nd Day, March 1, 1989.) and the bill be advanced to third reading. Mr. Cooper spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2013.

Mr. Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2013, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 2013, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2031, by Representatives Nelson, R. King, S. Wilson, Spanel, Haugen and Belcher

Setting safety requirements for shellfish divers.

The bill was read the second time.

Ms. Cole moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Nelson spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2031.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2031, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 2031, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2053, by Representatives Silver, Locke, May, H. Sommers, Ferguson, Horn and Wood

Providing a seven-year limitation for regular property tax levies involving redemption payments on bonds.

The bill was read the second time.

Mr. Pruitt moved that the committee recommendation be adopted and the bill be advanced to third reading. Mr. Pruitt spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of House Bill No. 2053.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2053, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 2053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2126, by Representatives Braddock, Sprenkle and Brooks

Requiring the board of medical examiners to adopt rules regarding surgical assistants.

The bill was read the second time.

Mr. Braddock moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of House Bill No. 2126.

Mr. Schoon spoke against passage of the bill, and Representatives Brooks, Braddock and Prentice spoke in favor of it. Mr. Schoon again spoke against the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2126, and the bill passed the House by the following vote: Yeas, 96; nays, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representatives Fraser, Schoon - 2.

House Bill No. 2126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2167, by Representatives Leonard, Winsley, Schoon, Nutley, Rector and Todd

Regarding mobile home parks.

The bill was read the second time.

Ms. Nutley moved that the committee recommendation be adopted and the bill be advanced to third reading. Ms. Nutley spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of House Bill No. 2167.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2167, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 2167, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE JOINT MEMORIAL NO. 4014, by Representatives Valle, Jones, Basich, Rust, Dorn and Spanel

Petitioning Congress to examine safety issues and boat construction regarding marine transportation of oil.

The memorial was read the second time.

Ms. Rust moved that the committee recommendation be adopted and the memorial be advanced to third reading. Ms. Valle spoke in favor of the motion, and it was carried.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4014.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4014, and the memorial passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Joint Memorial No. 4014, having received the constitutional majority, was declared passed.

The Speaker (Mr. Appelwick presiding) declared the House to be at ease until 12:45 p.m.

AFTERNOON SESSION

The Speaker called the House to order.

HOUSE JOINT MEMORIAL NO. 4018, by Representatives Todd and Nelson

Petitioning the federal department of energy to adopt revised energy standards for appliances which conform to the national appliance energy conservation act.

The memorial was read the second time.

Mr. Todd moved that the committee recommendation be adopted and the memorial be advanced to third reading. Mr. Todd spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of House Joint Memorial No. 4018.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4018, and the memorial passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Joint Memorial No. 4018, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4019, by Representatives Nelson, D. Sommers and R. Fisher

Requesting equal income tax treatment of employer-provided transit passes and vehicle parking.

The memorial was read the second time.

Mr. Nelson moved that the committee recommendation be adopted (For committee amendments, see Journal, 57th Day, March 6, 1989.) and the memorial be advanced to third reading. Representatives Nelson and D. Sommers spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be the final passage of Engrossed House Joint Memorial No. 4019.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Memorial No. 4019, and the memorial passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed House Joint Memorial No. 4019, having received the constitutional majority, was declared passed.

MOTION

On motion of Ms. Miller, Representative Schoon was excused.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1648 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1648, by Representatives R. King, Basich, S. Wilson, Cole, Haugen and Spanel

Regulating commercial crab fishing in coastal waters.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 47th Day, February 24, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Fisheries & Wildlife.

Mr. R. King moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Ms. Spanel moved adoption of the following amendment:

On page 1, line 20, after "area," insert "the need for limiting gear per vessel."

Ms. Spanel spoke in favor of adoption of the amendment, and Mr. Vekich opposed it.

The Speaker stated the question before the House to be adoption of the amendment by Ms. Spanel to House Bill No. 1648.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 36; Nays - 58. The amendment was not adopted.

Ms. Spanel moved adoption of the following amendment:

On page 2, line 10, after "commercial" strike "coastal"

Ms. Spanel spoke in favor of adoption of the amendment, and Mr. Basich opposed it.

The amendment was not adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. King and Basich spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1648, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Schoon - 1.

Engrossed House Bill No. 1648, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Schoon appeared at the bar of the House.

HOUSE BILL NO. 1658, by Representatives Hargrove, Padden, Scott, Kremen, Brough, Bowman and P. King

Modifying the term minor to mean anyone under the age of eighteen for purpose of the sexual exploitation of children statute.

The bill was read the second time. On motion of Mr. Crane, Substitute House Bill No. 1658 was substituted for House Bill No. 1658, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1658 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Hargrove and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1658, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brække, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G. Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1658, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1668, by Representatives Anderson, Moyer, Locke, Bristow, Jacobsen and Wineberry; by request of Department of Social and Health Services

Providing for public assistance.

The bill was read the second time. On motion of Ms. Scott, Substitute House Bill No. 1668 was substituted for House Bill No. 1668, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1668 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Anderson spoke in favor of passage of the bill.

The Speaker called on Mr. Appelwick to preside.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1668, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brække, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G. Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1668, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 1676 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1731, by Representatives Morris, Brooks, Belcher, Phillips, Peery, H. Myers, Sprenkle, Cooper, Pruitt, Fuhrman, Braddock, P. King, Sayan, Rector, Winsley, R. King, Heavey, Brekke, Todd, Haugen and Doty; by request of Department of Social and Health Services

Providing for the licensing of adult family homes.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Morris spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1731, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1731, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1769, by Representatives Fraser, Jacobsen, Heavey, H. Myers, Inslee, Prince, Wood, Jesernig, Spanel, Ebersole, Rector, Van Luven and Schoon

Allowing student exchange programs with institutions in other states.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jacobsen, Van Luven and Fraser spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1769, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1769, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1774, by Representatives Locke, Hargrove, Patrick, Zellinsky, McLean, Haugen, Doty, Scott, Rayburn, Brooks, Baugher and Ferguson

Promoting ski area safety.

The bill was read the second time. On motion of Mr. Crane, Substitute House Bill No. 1774 was substituted for House Bill No. 1774, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1774 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1774, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1774, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1777, by Representatives Leonard, P. King, Pruitt, Sayan, R. King, Todd and Raiter; by request of Department of Social and Health Services

Providing for alternative residential placement.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 47th Day, February 24, 1989.)

Ms. Scott moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Leonard spoke in favor of passage of the bill, and Representatives Padden and Hargrove spoke against it. Ms. Leonard again spoke in favor of the bill

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1777, and the bill passed the House by the following vote: Yeas, 70; nays, 28.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Bowman, Braddock, Brekke, Bristow, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, and Mr. Speaker - 70.

Voting nay: Representatives Ballard, Baugher, Beck, Betzoff, Brooks, Brough, Chandler, Doty, Ferguson, Fuhrman, Hankins, Hargrove, May, McLean, Moyer, Nealey, Padden, Patrick, Silver, Smith, Sommers D, Tate, Van Luven, Walk, Walker, Wolfe, Youngsman, Zellinsky - 28.

Engrossed House Bill No. 1777, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1894, by Representatives Braddock, D. Sommers, Brooks, Sprenkle, Vekich, Day, Cantwell, Wolfe, Morris, Chandler, Patrick, Valle, Dellwo, Rector, Nelson and Phillips

Making technical changes in dental hygiene and dentistry.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1894 was substituted for House Bill No. 1894, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1894 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Braddock and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1894, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insløe, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1894, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1941, by Representatives Sprenkle, Prentice, Leonard, Rust, Morris, Wolfe and Ferguson

Prohibiting use of tobacco products in health care facilities.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 1941 was substituted for House Bill No. 1941, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1941 was read the second time.

The Clerk read the following amendment by Representative Heavey:

On page 4, after line 26, insert the following:

"(3) Employees of facilities designated in section 2 of this 1989 act are excluded from this chapter to the extent that their employers allow smoking by employees in an enclosed designated smoking area physically separated from other areas of the facility. Employers shall endeavor to provide such an area for employees of facilities designated in section 2 of this 1989 act."

With consent of the House, Representative Heavey withdrew the amendment.

Mr. Sprenkle moved adoption of the following amendment:

On page 3, strike all of line 17

Re-number remaining subsections consecutively

Mr. Sprenkle spoke in favor of adoption of the amendment, and it was adopted.

Mr. Heavey moved adoption of the following amendment by Representatives Heavey and Sprenkle:

On page 4, after line 26, insert the following:

"(3) Employees of facilities designated in section 2 of this act are excluded from this chapter to the extent that their employers allow smoking by employees only in an enclosed, designated smoking area physically separated from other areas of the facility."

Mr. Heavey spoke in favor of adoption of the amendment.

The Speaker stated the question before the House to be the adoption of the amendment by Representatives Heavey and Sprengle to Substitute House Bill No. 1941.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 75; Nays - 23. The amendment was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sprengle, D. Sommers, Van Luven, Miller, Valle, Prentice and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1941, and the bill passed the House by the following vote: Yeas, 94; nays, 3; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Brough, Day, Fisher R - 3.

Absent: Representative Youngsman - 1.

Engrossed Substitute House Bill No. 1941, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I hit my vote button too late. I wanted to register a "Yea" vote on Engrossed Substitute House Bill No. 1941.

JIM YOUNGSMAN, 40th District.

HOUSE BILL NO. 1957, by Representatives Zellinsky, S. Wilson, Haugen, Schmidt, Walk, Vekich, R. Meyers, Sayan, Spanel and Youngsman

Repealing excess funds transfer provisions for the Puget Sound ferry operations account.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Zellinsky spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1957, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Cooper - 1.

House Bill No. 1957, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1965, by Representatives Hine, G. Fisher, Day, D. Sommers, Cantwell, Braddock, Cole, Dellwo and Rector

Excluding certain types of housing from the boarding home definition.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1965 was substituted for House Bill No. 1965, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1965 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Hine, Wolfe and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1965, and the bill passed the House by the following vote: Yeas, 98.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Loven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1965, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2000, by Representatives Rayburn, Chandler and Baugher

Establishing fair practice standards for produce handlers and associations.

The bill was read the second time. On motion of Ms. Rayburn, Substitute House Bill No. 2000 was substituted for House Bill No. 2000, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2000 was read the second time.

Mr. Nealey moved adoption of the following amendments by Representatives Nealey, Doty, Chandler and Rayburn:

On page 2, beginning on line 2, after "means" strike material through "product;" on line 12 and insert "a processor or a person engaged in the business or practice of:

(a) Acquiring agricultural products from producers or associations of producers for use by a processor;

(b) Processing agricultural products received from producers or associations of producers, provided that a cooperative association owned by producers shall not be a handler;

(c) Contracting or negotiating contracts or other arrangements, written or oral, with or on behalf of producers or associations of producers with respect to the production or marketing of any agricultural product for use by a processor;"

On page 2, line 20, insert the following:

"(8) 'Processor' means any person that purchases agricultural crops from a producer and cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner for eventual resale. A person who solely cleans, sorts, grades, and packages a farm product for sale without altering the natural condition of the product is not a processor. A person processing any portion of a crop is a processor."

Renumber following subsections consecutively.

Mr. Nealey spoke in favor of adoption of the amendments, and they were adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn, Baugher, Nealey, Chandler and Sayan spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2000, and the bill passed the House by the following vote: Yeas, 93; nays, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Bowman, Brumsickle, Doty, McLean, Rector - 5.

Engrossed Substitute House Bill No. 2000, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2041, by Representatives Nutley, Winsley, Todd, Rector, Ballard, Leonard, Anderson, Padden, D. Sommers and McLean

Changing landlord-tenant law.

The bill was read the second time. On motion of Ms. Nutley, Substitute House Bill No. 2041 was substituted for House Bill No. 2041, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2041 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nutley and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2041, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 2041, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1676 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1676, by Representatives H. Sommers, Rust, Holland, Wang and Winsley

Altering the sales tax exemption for nonresidents to apply only to border counties.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1676 was substituted for House Bill No. 1676, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1676 was read the second time.

Mr. Holland moved adoption of the following amendment by Representatives Holland, Leonard, Patrick, G. Fisher, Silver and Prentice:

On page 1, line 17, after "Canada" strike "is contiguous to the state of Washington and"

Mr. Holland spoke in favor of adoption of the amendment, and Ms. H. Sommers opposed it. The amendment was not adopted.

Mr. Grant moved adoption of the following amendments by Representatives Grant, H. Sommers, Brooks, Hankins and Jesernig:

On page 1, line 29, after "counties" insert "and cities on the Columbia river that are no more than thirty miles from the Oregon border"

On page 2, line 10, after "border counties" insert "or cities on the Columbia river that are no more than thirty miles from the Oregon border"

Mr. Grant spoke in favor of adoption of the amendments, and they were adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Holland spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1676, and the bill passed the House by the following vote: Yeas, 75; nays, 23.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G. Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Locke, May, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Sommers D, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 75.

Voting nay: Representatives Betrozoff, Bowman, Brumsickle, Chandler, Doty, Fuhrman, Holland, Leonard, McLean, Moyer, Nealey, Padden, Patrick, Prentice, Prince, Schmidt, Silver, Smith, Tate, Van Luven, Walker, Wilson S, Wolfe - 23.

Engrossed Substitute House Bill No. 1676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2071, by Representatives R. King, Nelson and Spanel

Licensing commercial divers and dive tenders and providing health and safety standards for commercial activities on navigable waters.

The bill was read the second time. On motion of Ms. Cole, Substitute House Bill No. 2071 was substituted for House Bill No. 2071, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2071 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. King and Wolfe spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2071, and the bill passed the House by the following vote: Yeas, 98.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 2071, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2084, by Representatives Wineberry, Holland, Locke, Brough, R. Fisher, Padden, O'Brien, Schoon, H. Sommers, Moyer, Anderson, Doty, Morris, McLean, Ebersole, Beck, Prentice, Winsley, Belcher, Ferguson, Rayburn, Rasmussen, Kremen, Todd, Rector, Raiter, Dorn, Peery, Walk, P. King, G. Fisher, Brekke, Appelwick, Crane, Braddock, Nutley, Insee, Sayan, Nelson, Cantwell, Vekich, Hargrove, Scott, H. Myers, Jacobsen, Phillips, K. Wilson, Bristow, Zellinsky, R. Meyers, Cooper, Wang, Dellwo, Miller, Van Luven, Basich, R. King, Leonard and Hankins

Establishing the Washington state commission on African-American affairs within the office of the Governor.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on State Government as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

On motion of Ms. R. Fisher, Substitute House Bill No. 2084 was substituted for House Bill No. 2084, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2084 was read the second time.

Mr. Grant moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Mr. Wineberry moved adoption of the following amendment by Representatives Wineberry, R. Fisher, Anderson and O'Brien:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature declares that the public policy of this state is to insure equal opportunity for all of its citizens. The legislature finds that African-Americans have unique and special problems. It is the purpose of this act to improve the well-being of African-Americans by insuring their access to participation in the fields of government, business, education, law, and other areas. The legislature is particularly concerned with the plight of those African-Americans who, for economic or social reasons, find themselves disadvantaged or isolated from the benefits of equal opportunity. The legislature further finds that it is necessary to aid African-Americans in obtaining governmental services in order to promote the health, safety, and welfare of all the residents of this state. Therefore the legislature deems it necessary to create a commission to carry out the purposes of this act.

NEW SECTION. Sec. 2. As used in this chapter unless the context indicates otherwise:

(1) 'African-American' means a citizen of the United States: (a) Who traces or links his or her ancestry, heritage, or culture to African nations, or (b) whose ethnicity has historically been identified as black, Negro, or colored.

(2) 'Commission' means the Washington state commission on African-American affairs.

NEW SECTION. Sec. 3. There is established a Washington state commission on African-American affairs.

NEW SECTION. Sec. 4. (1) The commission shall consist of the following members appointed by the governor:

(a) One member from each congressional district of the state now or hereafter existing; and

(b) One member from each county with a population of four thousand or more African-Americans.

(2) In making such appointments, the governor shall give due consideration to recommendations submitted by local African-American communities and the commission. The governor shall consider nominations for membership based upon maintaining a balanced distribution of geographic, sex, age, and occupational representation, where practicable.

(3) The commission shall not be deemed to be unlawfully constituted and a member of the commission shall not be deemed ineligible to serve the remainder of the member's unexpired term on the commission solely by reason of the establishment of new or revised boundaries for congressional districts.

(4) Appointments shall be for three years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. The members shall hold office commencing July 1, 1989. Of the initial appointees, one-third shall serve three-year terms, one-third shall serve two-year terms, and one-third shall serve a one-year term.

(5) Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(6) A majority of the members shall constitute a quorum for the purpose of conducting business.

NEW SECTION. Sec. 5. The commission shall:

(1) Elect one of its members to serve as chair for a one-year term; and also such other officers as necessary to form an executive committee;

(2) Adopt rules under chapter 34.05 RCW;

(3) Meet at the call of the chair or the call of a majority of its members, but in no case less often than once during every three-month period.

NEW SECTION. Sec. 6. (1) The governor shall appoint an executive director from a list of three names submitted to the governor by the commission with its recommendations. The names on such list shall be those of the three most qualified applicants as determined by the commission after recruitment, interview, and evaluation of applicants by the commission.

(2) The executive director shall serve at the pleasure of the governor. The commission may make recommendations to the governor regarding the removal of the executive director from office, but such recommendations shall not be binding.

(3) The executive director shall employ a staff who shall be state employees under Title 41 RCW, and prescribe their duties as may be necessary to implement the purposes of this act.

NEW SECTION. Sec. 7. (1) The commission shall examine and define issues pertaining to the rights and needs of African-Americans, and make recommendations to the governor, the legislature, and state agencies with respect to desirable changes in program and law, especially in the areas of education, employment, economic development, and health care.

(2) The commission shall maintain a liaison between the African-American community and government entities and advise the legislature and state agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the unique problems and needs of African-Americans.

(3) The commission shall develop and maintain a continuous dialogue with African-American citizens throughout the state of Washington.

(4) The commission shall submit to the governor, not less often than once each year, a report delineating the issues and concerns of African-Americans in the state of Washington and the programs, projects, and activities which the commission is undertaking regarding those issues.

(5) Subject to the availability of funds, the commission may establish an internship program for college and university students in order to conduct research for the commission on issues and matters of concern to African-Americans.

(6) Each state department and agency shall provide appropriate and reasonable assistance to the commission as needed in order that the commission may carry out the purposes of this act.

NEW SECTION. Sec. 8. In carrying out its duties, the commission may establish such relationships with local governments and private industry as may be needed to promote equal opportunity and benefits to African-Americans in government, education, economic development, employment, and services.

NEW SECTION. Sec. 9. The commission shall have authority to receive such gifts, grants, and endowments from public or private sources as may be made from time to time or otherwise for the use and benefit of the purposes of the commission and to expend the same or any income therefrom according to the terms of said gifts, grants, or endowments.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

NEW SECTION. Sec. 12. A new section is added to chapter 43.131 RCW to read as follows: The Washington state commission on African-American affairs and its powers and duties shall be terminated on June 30, 1994, as provided in section 13 of this act.

NEW SECTION. Sec. 13. A new section is added to chapter 43.131 RCW to read as follows: The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1995:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) Section 4 of this act;
- (5) Section 5 of this act;
- (6) Section 6 of this act;
- (7) Section 7 of this act;
- (8) Section 8 of this act; and
- (9) Section 9 of this act."

Mr. Wineberry spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment to the title was adopted.

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "adding new sections to chapter 43.131 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency."

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wineberry, Brough, O'Brien and Hargrove spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2084, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insole, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House defer consideration of House Bill No. 2087 and that the bill hold its place on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 2136, by Representatives Cole, Rust, Beck, Nutley, Patrick, Todd, Wood, Crane, Walk, G. Fisher, Nelson, Cantwell, Brekke, Sprenkle, Anderson, Holland, Leonard and Winsley

Providing mobile home relocation assistance.

The bill was read the second time. Committee on Housing recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Housing as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

On motion of Ms. Nutley, Substitute House Bill No. 2136 was substituted for House Bill No. 2136, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2136 was read the second time.

Mr. Grant moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Ms. Nutley moved adoption of the following amendment by Representatives Nutley, Winsley and Leonard:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Notwithstanding any other provision of law, mobile home park landlords shall provide reasonable relocation assistance under the provisions of this chapter to mobile home park tenants upon the closure or conversion to another use of a mobile home park: PROVIDED, That no such relocation assistance may be required pursuant to this chapter if relocation assistance for the same mobile home park tenant for the same relocation has been, is, or will be required pursuant to any other law.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) 'Account' means the tenant relocation assistance account.
- (2) 'Director' means the director of the department of community development.
- (3) 'Fund' means the mobile home park relocation fund.
- (4) 'Low-income' means at or below eighty percent of median income for the county where the park is located.
- (5) 'Mobile home park' or 'park' means any real property which is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.
- (6) 'Landlord' or 'park-owner' means the owner of the mobile home park that is being closed at the time relocation assistance is provided.
- (7) 'Relocate' means to remove the mobile home from the mobile home park being closed.
- (8) 'Relocation assistance' means the monetary assistance provided under section 3 of this act.

NEW SECTION. Sec. 3. (1) In the event of the conversion of a mobile home park to another use or its closure or cessation of use as a mobile home park, all affected park tenants shall be provided with relocation assistance at the time the tenant relocates as follows: (a) For single-wide mobile homes, four thousand five hundred dollars; and (b) for double-wide mobile homes, seven thousand five hundred dollars. Beginning in 1993, and every two years thereafter, the director shall adjust the amount of relocation assistance based on the consumer price index.

(2) Where a tenant relocates on or before July 1, 1991, the payment of the relocation assistance shall be shared as follows: (a) The landlord or park-owner shall provide one-third; (b) the fund shall provide one-third; and (c) the account shall provide one-third.

(3) Where a tenant relocates after July 1, 1991, the payment of relocation assistance shall be shared as follows: (a) The landlord or park-owner shall provide five hundred dollars for a single-wide home or one thousand dollars for a double-wide home; (b) the fund shall provide two thousand five hundred dollars for a single-wide home or four thousand dollars for a double-wide home; and (c) the account shall provide one thousand five hundred dollars for a single-wide home or two thousand five hundred dollars for a double-wide home.

(4) The director shall collect the landlord's portion of the relocation assistance. The director shall administer the payment of relocation assistance to tenants. The director shall approve all expenditures from the fund or the account, and shall approve payment of the landlord's portion to the tenants. If the landlord does not pay his or her portion of the relocation assistance to the department when required by the department, the department shall have a lien on the real property on which the park is located. Such lien shall be collected the same as general taxes and shall be forwarded to the department. The fund and the account shall be liable for their share of the relocation assistance, subject to the availability of funds.

(5) Relocation assistance provided from the account shall only be available to low-income tenants. Tenants who are not low income shall receive the share of relocation assistance provide by the landlord and the fund under this section.

NEW SECTION. Sec. 4. (1) The landlord shall notify the director and all tenants in writing of a change in use at least one year before the change in use, except that in King and Snohomish counties the notice period shall be two years until June 30, 1991. Tenants in the counties of King and Snohomish are experiencing the problem of parks closing more acutely than other areas of the state. Park spaces in these two counties are much scarcer relative to the need than in other areas of the state. A longer notice period in these two counties, because of the significantly larger number of tenants facing the prospect of relocating and the current unavailability of spaces for mobile homes in these areas, will enable local governments and the private

sector to work to increase the number of available spaces to which mobile homes can be relocated.

(2) The landlord shall inform all tenants in writing about the right to relocation assistance under section 3 of this act, shall also notify the department of community development, and shall also record a notice in the county real property records for the real property on which the mobile home park is located.

(3) If a tenant is vacating the premises and has informed the landlord or manager before the change in use notice has been given, the tenant is not eligible for relocation assistance.

(4) The landlord shall post a sign in a conspicuous location at all entrances to the park. The sign shall disclose that the park is being closed and shall include the date notice was given of the closure of the park.

(5) This section does not apply to a change in use if the landlord moves a tenant to another space in the mobile home park at the landlord's expense.

NEW SECTION. Sec. 5. (1) The fund is established in the office of the treasurer to be administered by the department of community development and consists of moneys collected under section 6 of this act.

(2) Fund moneys shall be used to pay relocation assistance under section 3 of this act.

(3) The state treasurer shall maintain the fund and shall invest the fund moneys. Moneys earned on these investments shall be deposited in the fund and shall be used for the same purposes as other fund moneys. Any unexpended and unencumbered moneys remaining in the fund at the end of the fiscal year do not revert to the state general fund but remain in the fund, separately accounted for, as a contingency reserve.

(4) The director may adopt, amend, or repeal rules for the administration of the fund. Fund moneys, up to five percent of the fund, may be paid to the department of community development to offset the costs of administering the fund.

Sec. 6. Section 4, chapter 280, Laws of 1988 and RCW 59.22.060 are each amended to read as follows:

(1) Every landlord shall register by October 1, 1988, with the department of revenue under such rules as that department shall prescribe.

(2) Every landlord shall pay a fee of one dollar per lot per year, except for unoccupied lots, and in addition, (~~shall collect from~~) each tenant (~~on~~) residing in the park on January 1 shall pay to the landlord by January (~~the~~) 15th of each year a fee of (~~one~~) eleven dollars per year for each lot rented by the tenant. If the tenant fails to make the payment to the landlord after the landlord requests payment in writing, the landlord shall have no further obligation to collect the tenant's fee. Both fees shall be remitted by the landlord to the department of revenue under such rules as the department shall prescribe. The department of revenue shall forward the one-dollar fee per lot paid by the landlord and one dollar of the eleven-dollar fee paid by each tenant per lot to the mobile home affairs account created by RCW 59.22.070. The department of revenue shall forward the remaining ten dollars of the tenant's fee to the mobile home park relocation fund created under section 5 of this act. The fee required by this chapter, to be collected by the landlord, shall be deemed to be held in trust by the landlord until paid to the department of revenue, and any landlord who appropriates or converts the fee collected to his or her own use other than (~~the~~) payment to the department, or who charges an administrative fee to the tenant for collection of the tenants' fee, shall be guilty of a gross misdemeanor. The provisions of chapter 82.32 RCW shall apply to the collection and enforcement of this fee.

Sec. 7. Section 5, chapter 280, Laws of 1988 and RCW 59.22.070 are each amended to read as follows:

There is created in the custody of the state treasurer a special account known as the mobile home affairs account. (~~All fees collected pursuant to RCW 59.22.060 shall be placed in that account.~~)

Disbursements from this special account shall be as follows:

(1) For the two-year period beginning July 1, 1988, forty thousand dollars, or so much thereof as may be necessary for costs incurred in registering landlords and collecting fees, and thereafter five thousand dollars per year for that purpose.

(2) All remaining amounts shall be remitted to the department of community development for the purpose of implementing RCW 59.22.050 and 59.22.060.

NEW SECTION. Sec. 8. If the director determines that the fund or the account exceeds the amount needed for anticipated relocation assistance, the director may transfer excess moneys in the fund or the account to the mobile home park purchase fund in chapter 59.22 RCW.

NEW SECTION. Sec. 9. The department of community development and the office of the treasurer may implement any rules necessary to carry out this chapter.

Sec. 10. Section 8, chapter 279, Laws of 1977 ex. sess. as last amended by section 5, chapter 150, Laws of 1988 and RCW 59.20.080 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the landlord shall not terminate a tenancy, of whatever duration except for one or more of the following reasons:

(a) Substantial violation, or repeated or periodic violations of the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently

with the consent of the tenant or for violation of the tenant's duties as provided in RCW 59.20-.140. The tenant shall be given written notice to cease the rule violation immediately. The notice shall state that failure to cease the violation of the rule or any subsequent violation of that or any other rule shall result in termination of the tenancy, and that the tenant shall vacate the premises within fifteen days: PROVIDED, That for a periodic violation the notice shall also specify that repetition of the same violation shall result in termination: PROVIDED FURTHER, That in the case of a violation of a 'material change' in park rules with respect to pets, tenants with minor children living with them, or recreational facilities, the tenant shall be given written notice under this chapter of a six month period in which to comply or vacate:

(b) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(c) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenant shall be given written notice of a fifteen day period in which to vacate;

(d) Failure of the tenant to comply with local ordinances and state laws and regulations relating to mobile homes or mobile home living within a reasonable time after the tenant's receipt of notice of such noncompliance from the appropriate governmental agency;

(e) Change of land use of the mobile home park including, but not limited to, conversion to a use other than for mobile homes or conversion of the mobile home park to a mobile home park cooperative or mobile home park subdivision: PROVIDED, That the landlord shall give the tenants twelve months' notice, except where twenty-four months' notice is required under chapter 59.-- RCW (sections 1 through 5, 8, 9, and 13 through 15 of this act), in advance of the proposed effective date of such change: PROVIDED FURTHER, That relocation assistance under chapter 59.-- RCW (sections 1 through 5, 8, 9, and 13 through 15 of this act) shall apply;

(f) Engaging in 'drug-related activity.' 'Drug-related activity' means that activity which constitutes a violation of chapter 69.41, 69.50, or 69.52 RCW.

(2) A landlord may terminate any tenancy without cause. Such termination shall be effective twelve months from the date the landlord serves notice of termination upon the tenant or at the end of the current tenancy, whichever is later: PROVIDED, That a landlord shall not terminate a tenancy for any reason or basis which is prohibited under RCW 59.20.070 (3) or (4) or is intended to circumvent the provisions of (1)(e) of this section.

(3) Within five days of a notice of eviction as required by subsection (1)(a) or (2) of this section, the landlord and tenant shall submit any dispute, including the decision to terminate the tenancy without cause, to mediation. The parties may agree in writing to mediation by an independent third party or through industry mediation procedures. If the parties cannot agree, then mediation shall be through industry mediation procedures. A duty is imposed upon both parties to participate in the mediation process in good faith for a period of ten days for an eviction under subsection (1)(a) of this section, or for a period of thirty days for an eviction under subsection (2) of this section. It is a defense to an eviction under subsection (1)(a) or (2) of this section that a landlord did not participate in the mediation process in good faith.

NEW SECTION. Sec. 11. Sections 1 through 5, 8, 9, and 13 through 15 of this act shall constitute a new chapter in Title 59 RCW.

NEW SECTION. Sec. 12. A new section is added to chapter 43.63A RCW to read as follows:

The tenant relocation assistance account is created in the custody of the state treasurer. The tenant relocation assistance account shall include revenue from the sources established by this act, appropriations by the legislature, private contributions, and all other sources. Only the director of community development or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. Sec. 13. Any public or private entity may, with the director's approval, give or loan moneys to the fund if insufficient moneys are available to pay the fund's share of relocation assistance under section 3 of this act. When sufficient moneys exist in the fund, the director shall approve the repayment of the loaned moneys to the local government. The account may, with the director's approval, loan moneys to the fund; the director shall approve repayment to the account when sufficient moneys are in the fund.

NEW SECTION. Sec. 14. The tenant may, with written approval of the tenant's attorney, waive the tenant's rights under this chapter.

NEW SECTION. Sec. 15. (1) The relocation assistance under section 3 of this act shall be available to any tenant who relocates after the effective date of this act, even though notice of the park closure may have been provided prior to the effective date of this act.

(2) The requirements of section 4 of this act, except for section 4(1) of this act, shall apply to all park-owners even though notice may have been provided by the park-owner prior to the effective date of this act. The notice requirements under section 4(1) of this act shall apply to all parks where notice of closure of the park has not been provided to the tenants prior to the effective date of this act.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 17. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Ms. Nutley spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "assistance;" strike the remainder of the title and insert "amending RCW 59.22.060, 59.22.070, and 59.20.080; adding a new chapter to Title 59 RCW; adding a new section to chapter 43.63A RCW; prescribing penalties; and declaring an emergency."

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cole and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2136, and the bill passed the House by the following vote: Yeas, 90; nays, 8.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Day, Fuhrman, Hargrove, Inslee, Jesernig, Padden, Rector, Wolfe - 8.

Engrossed Substitute House Bill No. 2136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2177, by Representatives Bristow, Ballard, Fraser and Todd

Making changes to the firefighters' relief and pension fund.

The bill was read the second time.

Mr. Bristow moved adoption of the following amendment by Representatives Bristow and Ballard:

On page 19, line 15, after "fund" insert "including records of the names and addresses of every person enrolled under this chapter."

Mr. Bristow spoke in favor of adoption of the amendment, and it was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Bristow spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2177, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 2177, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE JOINT RESOLUTION NO. 4220, by Representatives Braddock, Belcher, H. Sommers, Jacobsen, Valle, Grant, Locke, Silver, May, McLean, Youngsman, Brekke, Cantwell, Cole, Basich, Anderson, Betrozoff, Schoon, Rector, Vekich, Nelson, Dorn, Inslee, Leonard and Sprenkle

Authorizing the legislature to designate state office locations outside Olympia.

The resolution was read the second time. On motion of Ms. H. Sommers, Substitute House Joint Resolution No. 4220 was substituted for House Joint Resolution No. 4220, and the substitute resolution was placed on the second reading calendar.

Substitute House Joint Resolution No. 4220 was read the second time.

Ms. Belcher moved adoption of the following amendment by Representatives Fraser, Belcher, H. Sommers and Braddock:

On page 2, line 3, after "Olympia" insert "as of the effective date of this amendment"

Representatives Belcher, Schoon and Prince spoke in favor of adoption of the amendment, and it was adopted.

Ms. Fraser moved adoption of the following amendment by Representatives Fraser, Belcher, Bowman, Brumsickle and Sayan:

On page 2, line 11, strike all of subsection 1.

Representatives Fraser and Hargrove spoke in favor of adoption of the amendment, and Ms. H. Sommers opposed it.

Mr. Fuhrman demanded an electric roll call vote, and the demand was sustained.

Representatives Schoon, Betrozoff and Belcher spoke against adoption of the amendment, and Ms. Bowman spoke in favor of it.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Fraser and others to Substitute House Joint Resolution No. 4220, and the amendment was not adopted by the following vote: Yeas, 37; nays, 61.

Voting yea: Representatives Basich, Baugher, Belcher, Bowman, Brumsickle, Cantwell, Cole, Crane, Day, Ebersole, Ferguson, Fisher G, Fraser, Gallagher, Hargrove, Horn, Jesernig, Jones, King R, Locke, Meyers R, Morris, Nutley, O'Brien, Peery, Prentice, Pruitt, Rasmussen, Rayburn, Sayan, Sommers D, Todd, Van Luven, Walk, Wang, Wilson K, Wineberry - 37.

Voting nay: Representatives Anderson, Appelwick, Ballard, Beck, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cooper, Dellwo, Dorn, Doty, Fisher R, Fuhrman, Grant, Hankins, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, King P, Kremen, Leonard, May, McLean, Miller, Moyer, Myers H, Nealey, Nelson, Padden, Patrick, Phillips, Prince, Raiter, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprenkle, Tate, Valle, Vekich, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 61.

The resolution was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives Braddock and Schoon spoke in favor of passage of the resolution, and Ms. Fraser opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Joint Resolution No. 4220, and the resolution passed the House by the following vote: Yeas, 79; nays, 19.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Doty, Ebersole, Fisher G, Fisher R, Fuhrman, Gallagher, Grant, Hankins, Haugen, Hine, Holland, Inslee, Jacobsen, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Moyer, Myers H, Nealey, Nelson, O'Brien, Padden, Patrick, Peery, Phillips, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith,

Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Vekich, Walk, Walker, Wang, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 79.

Voting nay: Representatives Basich, Belcher, Crane, Ferguson, Fraser, Hargrove, Heavey, Horn, Jesernig, Jones, Meyers R, Morris, Nutley, Prentice, Sayan, Sommers D, Van Luven, Wilson K, Wineberry - 19.

Engrossed Substitute House Joint Resolution No. 4220, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 1037 and House Bill No. 1051 and that the bills hold their places on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1118, by Representatives Vekich, Wolfe, R. King, Prentice, Sayan, Winsley and P. King; by request of Department of Labor and Industries

Changing provisions relating to vocational rehabilitation.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Vekich spoke in favor of passage of the bill, and Mr. Patrick opposed it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1118, and the bill passed the House by the following vote: Yeas, 82; nays, 16.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, McLean, Meyers R, Miller, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Youngsman, Zellinsky, and Mr. Speaker - 82.

Voting nay: Representatives Beck, Betrozoff, Bowman, Brooks, Brumsickle, Fuhrman, Horn, May, Moyer, Padden, Patrick, Silver, Smith, Sommers D, Wolfe, Wood - 16.

House Bill No. 1118, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1119, by Representatives Locke, Prentice, Wang, Anderson, Belcher, O'Brien, Winsley and R. King; by request of Administrator for the Courts

Requiring testing and certification of English language interpreters in courts.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 1119 was substituted for House Bill No. 1119, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1119 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1119 and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van

Laven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1127, by Representatives Valle, Heavey, Raiter and Crane
Requiring posting of liquor license applications and reapplications.

The bill was read the second time. On motion of Mr. Vekich, Substitute House Bill No. 1127 was substituted for House Bill No. 1127, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1127 was read the second time.

The Clerk read the following amendment by Representatives Appelwick and Patrick:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 66.24 RCW to read as follows:

A club holding a class H liquor license may sell club liquor to the following persons:

- (1) Club members;
- (2) Guests;
- (3) Visitors, when accompanied by a member while within the club;
- (4) Persons with club member privileges due to reciprocity between affiliated clubs;
- (5) Persons specifically invited to attend a private party sponsored and paid for by a member. The sponsor shall submit a written guest list to the club at least twenty-four hours in advance of the party;

(6) Persons attending a private luncheon or banquet sponsored by a member. At least one-quarter of the persons attending shall be members or their spouses or children, or persons with club member privileges due to reciprocity between affiliated clubs or their spouses or children. All persons attending shall be required to purchase a meal. Retail food sales at the event shall be at least thirty percent of the total retail food and liquor sales at the event; and

(7) Other persons as determined by the board.

NEW SECTION. Sec. 2. Section 2, chapter 13, Laws of 1970 ex. sess. as last amended by section 45, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.420 are each amended to read as follows:

(1) The class H license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be seven hundred dollars. Clubs selling liquor under subsection 1 (5) or (6) of this act shall pay an additional annual fee of three hundred dollars.

(b) The annual fee for said license, if issued to any other class H licensee in incorporated cities and towns, shall be graduated according to the population thereof as follows:

Incorporated	Fees
Cities and towns	
Less than 20,000	\$1,200
20,000 or over	\$2,000

(c) The annual fee for said license when issued to any other class H licensee outside of incorporated cities and towns shall be: Two thousand dollars; this fee shall be prorated according to the calendar quarters, or portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(d) Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a restaurant in an airport terminal facility shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and such food service shall be available on request in other licensed places on the premises: PROVIDED, FURTHER, That an additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

(e) Where the license shall be issued to any corporation, association, or person operating dining places at publicly owned civic centers with facilities for sports, entertainment, and conventions, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional

places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a dining place at such a publicly owned civic center shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and food service shall be available on request in other licensed places on the premises: PROVIDED FURTHER, That an additional license fee of ten dollars shall be required for such duplicate licenses.

(f) Where the license shall be issued to any corporation, association or person operating more than one building containing dining places at privately owned facilities which are open to the public and where there is a continuity of ownership of all adjacent property, such license shall be issued upon the payment of an annual fee which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to the additional dining places on the property at the discretion of the board and a duplicate license may be issued for each additional place: PROVIDED, That the holder of the master license for the dining place shall not offer alcoholic beverages for sale, service, and consumption at the additional place unless food service is available at both the location of the master license and the duplicate license: PROVIDED FURTHER, That an additional license fee of twenty dollars shall be required for such duplicate licenses.

(2) The board, so far as in its judgment is reasonably possible, shall confine class H licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue class H licenses outside of cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) The total number of class H licenses issued in the state of Washington by the board, not including those class H licenses issued to clubs, shall not in the aggregate at any time exceed one license for each fifteen hundred of population in the state, determined according to the yearly population determination developed by the office of financial management pursuant to RCW 43.62.030.

(5) Notwithstanding the provisions of subsection (4) of this section, the board shall refuse a class H license to any applicant if in the opinion of the board the class H licenses already granted for the particular locality are adequate for the reasonable needs of the community."

With consent of the House, Representative Patrick withdrew the amendment.

Mr. Patrick moved adoption of the following amendment by Representatives Patrick, Appelwick, Vekich, Wolfe, Leonard, Prentice, Walker, Jones, Heavey and Valle:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 200, Laws of 1988 and RCW 66.24.010 are each amended to read as follows:

(1) Every license shall be issued in the name of the applicant, and the holder thereof shall not allow any other person to use the license.

(2) For the purpose of considering any application for a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension or revocation of any license, the liquor control board may consider any prior criminal conduct of the applicant and the provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The board may, in its discretion, grant or refuse the license applied for. No retail license of any kind may be issued to:

(a) A person who has not resided in the state for at least one month prior to making application, except in cases of licenses issued to dining places on railroads, boats, or aircraft;

(b) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section;

(c) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;

(d) A corporation, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington.

(3) The board may, in its discretion, subject to the provisions of RCW 66.08.150, suspend or cancel any license; and all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated, as the case may be. The board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts,

documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.

Witnesses shall be allowed fees and mileage each way to and from any such inquiry, investigation, hearing, or proceeding at the rate authorized by RCW (~~(34.04.105)~~) 34.05.446, as now or hereafter amended. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(4) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee may allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

(5) (a) At the time of the original issuance of a class H license, the board shall prorate the license fee charged to the new licensee according to the number of calendar quarters, or portion thereof, remaining until the first renewal of that license is required.

(b) Unless sooner canceled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued. However, if the board deems it feasible and desirable to do so, it may establish, by rule pursuant to chapter (~~(34.04)~~) 34.05 RCW, a system for staggering the annual renewal dates for any and all licenses authorized by this chapter. If such a system of staggered annual renewal dates is established by the board, the license fees provided by this chapter shall be appropriately prorated during the first year that the system is in effect.

(6) Every license issued under this section shall be subject to all conditions and restrictions imposed by this title or by the regulations in force from time to time. All conditions and restrictions imposed by the board in the issuance of an individual license shall be listed on the face of the individual license along with the trade name, address, and expiration date.

(7) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises.

(8) Before the board shall issue a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application be for a license within an incorporated city or town, or to the county legislative authority, if the application be for a license outside the boundaries of incorporated cities or towns; and such incorporated city or town, through the official or employee selected by it, or the county legislative authority or the official or employee selected by it, shall have the right to file with the board within twenty days after date of transmittal of such notice, written objections against the applicant or against the premises for which the license is asked, and shall include with such objections a statement of all facts upon which such objections are based, and in case written objections are filed, may request and the liquor control board may in its discretion hold a formal hearing subject to the applicable provisions of Title 34 RCW, as now or hereafter amended. Upon the granting of a license under this title the board shall send a duplicate of the license or written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns.

(9) Written notice of applications and reapplications for licenses shall be posted conspicuously at the location(s) where business will be conducted.

(10) Before the board issues any license to any applicant, it shall give (a) due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools, and public institutions and (b) written notice by certified mail of the application to churches, schools, and public institutions within five hundred feet of the premises to be licensed. The board shall issue no beer retailer license class A, B, D, or E or wine retailer license class C or F or class H license covering any premises not now licensed, if such premises are within five hundred feet of the premises of any tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets, or other public passageway from the outer property line of the school grounds to the nearest public entrance of the premises proposed for license, and if, after receipt by the school or public institution of the notice as provided in this subsection, the board receives written notice, within twenty days after posting such notice, from an official representative or representatives of the school within five hundred feet of said proposed licensed premises, indicating to the board that there is an objection to the issuance of such license because of proximity to a school. For the purpose of this section, church shall mean a building erected for and used

exclusively for religious worship and schooling or other activity in connection therewith. No liquor license may be issued or reissued by the board to any motor sports facility or licensee operating within the motor sports facility unless the motor sports facility enforces a program reasonably calculated to prevent alcohol or alcoholic beverages not purchased within the facility from entering the facility and such program is approved by local law enforcement agencies. It is the intent under this subsection that a retail license shall not be issued by the board where doing so would, in the judgment of the board, adversely affect a private school meeting the requirements for private schools under Title 28A RCW, which school is within five hundred feet of the proposed licensee. The board shall fully consider and give substantial weight to objections filed by private schools. If a license is issued despite the proximity of a private school, the board shall state in a letter addressed to the private school the board's reasons for issuing the license.

((+)) (11) The restrictions set forth in the preceding subsection shall not prohibit the board from authorizing the transfer of existing licenses now located within the restricted area to other persons or locations within the restricted area: PROVIDED, Such transfer shall in no case result in establishing the licensed premises closer to a church or school than it was before the transfer.

((++)) (12) Nothing in this section prohibits the board, in its discretion, from issuing a temporary retail or wholesaler license to a transferee of a retail or wholesaler license to continue the operation of the retail or wholesaler premises during the period a transfer application for the license from person to person at the same premises is pending and when the following conditions exist:

(a) The licensed premises has been operated under a retail or wholesaler license within ninety days of the date of filing the application for a temporary license;

(b) The retail or wholesaler license for the premises has been surrendered pursuant to issuance of a temporary operating license;

(c) The applicant for the temporary license has filed with the board an application for transfer of the retail or wholesaler license at such premises to himself or herself; and

(d) The application for a temporary license is accompanied by a temporary license fee established by the board by rule.

A temporary license issued by the board under this section shall be for a period not to exceed sixty days. A temporary license may be extended at the discretion of the board for an additional sixty-day period upon payment of an additional fee and upon compliance with all conditions required in this section.

Refusal by the board to issue or extend a temporary license shall not entitle the applicant to request a hearing. A temporary license may be canceled or suspended summarily at any time if the board determines that good cause for cancellation or suspension exists. RCW 66.08-.130 and chapter ((34.04)) 34.05 RCW shall apply to temporary licenses.

Application for a temporary license shall be on such form as the board shall prescribe. If an application for a temporary license is withdrawn before issuance or is refused by the board, the fee which accompanied such application shall be refunded in full.

NEW SECTION. Sec. 2. A new section is added to chapter 66.24 RCW to read as follows:

A club holding a class H liquor license may sell club liquor to the following persons:

(1) Club members;

(2) Guests;

(3) Visitors, when accompanied by a member while within the club;

(4) Persons with club member privileges due to reciprocity between affiliated clubs;

(5) Persons specifically invited to attend a private party sponsored and paid for by a member. The sponsor shall submit a written guest list to the club at least twenty-four hours in advance of the party;

(6) Persons attending a private luncheon or banquet sponsored by a member. At least one-quarter of the persons attending shall be members or their spouses or children, or persons with club member privileges due to reciprocity between affiliated clubs or their spouses or children. All persons attending shall be required to purchase a meal. Retail food sales at the event shall be at least thirty percent of the total retail food and liquor sales at the event; and

(7) Other persons as determined by the board.

Sec. 3. Section 2, chapter 13, Laws of 1970 ex. sess. as last amended by section 45, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.420 are each amended to read as follows:

(1) The class H license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be seven hundred dollars. Clubs selling liquor under section 2 (5) or (6) of this act shall pay an additional annual fee of three hundred dollars.

(b) The annual fee for said license, if issued to any other class H licensee in incorporated cities and towns, shall be graduated according to the population thereof as follows:

Incorporated	Fees
Cities and towns	\$1,200
Less than 20,000	\$2,000
20,000 or over	\$2,000

(c) The annual fee for said license when issued to any other class H licensee outside of incorporated cities and towns shall be: Two thousand dollars; this fee shall be prorated according to the calendar quarters, or portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(d) Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a restaurant in an airport terminal facility shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and such food service shall be available on request in other licensed places on the premises: PROVIDED, FURTHER, That an additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

(e) Where the license shall be issued to any corporation, association, or person operating dining places at publicly owned civic centers with facilities for sports, entertainment, and conventions, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a dining place at such a publicly owned civic center shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and food service shall be available on request in other licensed places on the premises: PROVIDED FURTHER, That an additional license fee of ten dollars shall be required for such duplicate licenses.

(f) Where the license shall be issued to any corporation, association or person operating more than one building containing dining places at privately owned facilities which are open to the public and where there is a continuity of ownership of all adjacent property, such license shall be issued upon the payment of an annual fee which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to the additional dining places on the property at the discretion of the board and a duplicate license may be issued for each additional place: PROVIDED, That the holder of the master license for the dining place shall not offer alcoholic beverages for sale, service, and consumption at the additional place unless food service is available at both the location of the master license and the duplicate license: PROVIDED FURTHER, That an additional license fee of twenty dollars shall be required for such duplicate licenses.

(2) The board, so far as in its judgment is reasonably possible, shall confine class H licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue class H licenses outside of cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) The total number of class H licenses issued in the state of Washington by the board, not including those class H licenses issued to clubs, shall not in the aggregate at any time exceed one license for each fifteen hundred of population in the state, determined according to the yearly population determination developed by the office of financial management pursuant to RCW 43.62.030.

(5) Notwithstanding the provisions of subsection (4) of this section, the board shall refuse a class H license to any applicant if in the opinion of the board the class H licenses already granted for the particular locality are adequate for the reasonable needs of the community."

Representatives Patrick and Vekich spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment to the title was adopted:
On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 66.24.010 and 66.24.420; and adding a new section to chapter 66.24 RCW."

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Valle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1127, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1283, by Representatives Zellinsky, Chandler, Dellwo, Crane, Day, P. King, Schmidt, Winsley, Beck, Anderson, Nutley, Dorn, K. Wilson, Baugher, Betzoff and Silver

Regulating check cashers and sellers.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 38th Day, February 15, 1989.)

Mr. Dellwo moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Zellinsky and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1283, and the bill passed the House by the following vote: Yeas, 96; nays, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representatives Ebersole, Hargrove - 2.

Engrossed House Bill No. 1283, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1329, by Representatives Ferguson, Van Luven, Betzoff, Horn, Miller, Heavey, Patrick, May and Morris

Providing money for maintenance and construction of local infrastructure.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1329 was substituted for House Bill No. 1329, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1329 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1329, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brække, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Cooper - 1.

Substitute House Bill No. 1329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1051 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1051, by Representatives Todd, Winsley, Crane, Walker, Moyer, Jacobsen, Bristow, Heavey, Appelwick, Prentice, D. Sommers, Leonard, Basich, Hine, Rust, Rector, Haugen, Valle, Jones, Brække, Rasmussen, Dorn, Walk, O'Brien, Dellwo, Kremen, Sayan, Locke, Ferguson, Wineberry, H. Myers, G. Fisher, K. Wilson, Patrick, Fuhrman, Van Luven, McLean, May, Schoon, Brumsickle, Phillips and Anderson

Regarding developmentally disabled adults.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Human Services as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

On motion of Ms. Scott, Substitute House Bill No. 1051 was substituted for House Bill No. 1051, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1051 was read the second time.

Mr. Locke moved that the House do not adopt the committee amendment. Mr. Locke spoke in favor of the motion, and it was carried.

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. Appelwick presiding) announced that the House would defer further consideration of Substitute House Bill No. 1051 and that the bill would hold its place on the regular second reading calendar.

HOUSE BILL NO. 1542, by Representatives Braddock, Brooks, Locke, Cantwell, Day, Prentice, Morris, Sprenkle, Van Luven, Beck, Silver, Baugher, Brough, Winsley, Brække and P. King

Creating a system making offenders accountable for legal financial obligations.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Health Care as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

On motion of Mr. Braddock, Substitute House Bill No. 1542 was substituted for House Bill No. 1542, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1542 was read the second time.

Mr. Locke moved adoption of the committee amendment.

Ms. Bowman moved adoption of the following amendments by Representatives Bowman and Braddock to the committee amendment:

On page 8, line 7, after "obligation" insert "and segregate this amount among the separate assessments made for restitution, costs fines, and other assessments required by law"

On page 25, line 26, after "notified" strike "by the court"

On page 31, after line 18, insert:

"NEW SECTION. Sec. 28. The department of corrections and the county clerks association shall develop compatible management and accounting systems that will result in increased collections of legal financial obligations and report their proposed systems to the senate health care and corrections committee and the house health care committee by December 1, 1989."

On page 31, line 19, strike "Sec. 28" and insert "Sec. 29"

On page 31, line 20 after "25," strike "and 26" and insert "26 and 28"

On page 31, line 20, after "1990" insert "unless otherwise directed by law"

Ms. Bowman spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

The committee amendment as amended was adopted.

With consent of the House, the committee amendment to the title was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Braddock and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1542, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Vaile, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngman, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1542, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1657, by Representatives R. Fisher, McLean, H. Sommers, Locke, Dellwo, Appelwick, Belcher, Silver, Winsley and R. King; by request of Department of General Administration and Office of Financial Management

Creating a risk management program and agency accountability.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. R. Fisher and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1657, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt,

Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Vaile, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1657, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider the following bills on the regular second reading calendar in the following order: House Bill No. 1037 and Substitute House Bill No. 1051. The motion was carried.

HOUSE BILL NO. 1037, by Representatives Haugen, S. Wilson, R. King, May, Zellinsky, Basich, Leonard, P. King, Jones and Gallagher

Creating the marine fish enhancement research program.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Fisheries & Wildlife as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

On motion of Mr. R. King, Substitute House Bill No. 1037 was substituted for House Bill No. 1037, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1037 was read the second time.

Mr. Locke moved adoption of the committee amendment. Representatives Locke, Haugen, S. Wilson and Bowman spoke in favor of adoption of the committee amendment, and Representatives R. King, Basich, Cole, K. Wilson and Jacobsen spoke against it.

POINT OF ORDER

Ms. Hine: Mr. Speaker, I wish that you would ask the legislator to stick to the subject, which I believe is whether or not to accept the amendment.

SPEAKER'S RULING

The Speaker (Mr. Appelwick presiding): The question before us is the substance of the House Appropriations Committee amendment. Remarks should be confined to that.

Mr. Jacobsen concluded his remarks in opposition to the amendment, and Ms. Haugen spoke in favor of the amendment.

Mr. R. Meyers demanded an electric roll call vote, and the demand was not sustained.

Mr. Locke again spoke in favor of adoption of the amendment, and Mr. R. King again opposed it.

The Speaker (Mr. Appelwick presiding) stated the question before the House to be the adoption of the amendment by Committee on Appropriations.

A division was called. The Speaker (Mr. Appelwick presiding) called upon the House to divide. The result of the division was: Yeas - 61; Nays - 37. The amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1037, and the bill passed the House by the following vote: Yeas, 79; nays, 19.

Voting yea: Representatives Anderson, Appelwick, Baugher, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Horn, Jesernig, Jones, King P, Kremen, Leonard, Locke, May, Miller, Moyer, Nelson, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 79.

Voting nay: Representatives Ballard, Basich, Beck, Cole, Cooper, Crane, Day, Heavey, Insee, Jacobsen, King R, McLean, Meyers R, Morris, Myers H, Nealey, Nutley, Silver, Wilson K - 19.

Engrossed Substitute House Bill No. 1037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 1051, by Committee on Human Services (originally sponsored by Representatives Todd, Winsley, Crane, Walker, Moyer, Jacobsen, Bristow, Heavey, Appelwick, Prentice, D. Sommers, Leonard, Basich, Hine, Rust, Rector, Haugen, Valle, Jones, Brekke, Rasmussen, Dorn, Walk, O'Brien, Dellwo, Kremen, Sayan, Locke, Ferguson, Wineberry, H. Myers, G. Fisher, K. Wilson, Patrick, Fuhrman, Van Luven, McLean, May, Schoon, Brumsickle, Phillips and Anderson)

Regarding developmentally disabled adults.

The House resumed consideration of Substitute House Bill No. 1051 on second reading.

Mr. Todd moved adoption of the following amendment by Representatives Todd, Bristow, Walker, Winsley, Cole and Padden:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 10.77 RCW to read as follows:

With respect to this act, the legislature finds that among those persons who endanger the safety of others by committing felony crimes are a small number of persons with developmental disabilities. While their conduct is not typical of the vast majority of persons with developmental disabilities who are responsible citizens, for their own welfare and for the safety of others the state may need to exercise control over those few dangerous individuals who are developmentally disabled, have been charged with felony crimes, and have been found either incompetent to stand trial or not guilty by reason of insanity. The legislature finds, however, that the use of civil commitment procedures under chapter 71.05 RCW to effect state control over dangerous developmentally disabled persons has resulted in their commitment to institutions for the mentally ill. The legislature finds that existing programs in mental institutions may be inappropriate for persons who are developmentally disabled because the services provided in mental institutions are oriented to persons with mental illness, a condition not necessarily associated with developmental disabilities. Therefore, the legislature believes that, where appropriate, and subject to available funds, persons with developmental disabilities who have been charged with felony crimes and have been found incompetent to stand trial or not guilty by reason of insanity should receive state services addressing their needs, that such services must be provided in conformance with an individual habilitation plan, and that their initial treatment should be separate and discrete from treatment for persons involved in any other treatment or habilitation program in a manner consistent with the needs of public safety.

NEW SECTION, Sec. 2. A new section is added to chapter 71.05 RCW to read as follows:

With respect to this act, the legislature finds that among those persons who endanger the safety of others by committing felony crimes are a small number of persons with developmental disabilities. While their conduct is not typical of the vast majority of persons with developmental disabilities who are responsible citizens, for their own welfare and for the safety of others the state may need to exercise control over those few dangerous individuals who are developmentally disabled, have been charged with felony crimes, and have been found either incompetent to stand trial or not guilty by reason of insanity. The legislature finds, however, that the use of civil commitment procedures under chapter 71.05 RCW to effect state control over dangerous developmentally disabled persons has resulted in their commitment to institutions for the mentally ill. The legislature finds that existing programs in mental institutions may be inappropriate for persons who are developmentally disabled because the services provided in mental institutions are oriented to persons with mental illness, a condition not necessarily associated with developmental disabilities. Therefore, the legislature believes that, where appropriate, and subject to available funds, persons with developmental disabilities who have been charged with felony crimes and have been found incompetent to stand trial or not guilty by reason of insanity should receive state services addressing their needs, that such services must be provided in conformance with an individual habilitation plan, and that their

initial treatment should be separate and discrete from treatment for persons involved in any other treatment or habilitation program in a manner consistent with the needs of public safety.

Sec. 3. Section 1, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 122, Laws of 1983 and RCW 10.77.010 are each amended to read as follows:

As used in this chapter:

(1) A 'criminally insane' person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing felonious acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(2) 'Indigent' means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to ((himself)) the person or his or her family.

(3) 'Secretary' means the secretary of the department of social and health services or his or her designee.

(4) 'Department' means the state department of social and health services.

(5) 'Treatment' means any currently standardized medical or mental health procedure including medication.

(6) 'Incompetency' means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(7) No condition of mind proximately induced by the voluntary act of a person charged with a crime shall constitute 'insanity'.

(8) 'Furlough' means an authorized leave of absence for a resident of a state institution designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(9) 'Developmental disability' means the condition defined in RCW 71A.10.020(2).

(10) 'Developmental disabilities professional' means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(11) 'Habilitative services' means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the individual being assisted as manifested by prior charged criminal conduct.

(12) 'Psychiatrist' means a person having a license as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

(13) 'Psychologist' means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW.

(14) 'Social worker' means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

(15) 'Individualized service plan' means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge from involuntary confinement, and a projected possible date for discharge from involuntary confinement; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

Sec. 4. Section 6, chapter 117, Laws of 1973 1st ex. sess. as amended by section 6, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.060 are each amended to read as follows:

(1) Whenever a defendant has pleaded not guilty by reason of insanity, or there is reason to doubt his or her competency, the court on its own motion or on the motion of any party shall

either appoint or request the secretary to designate at least two qualified experts or professional persons, one of whom shall be approved by the prosecuting attorney, to examine and report upon the mental condition of the defendant. At least one of the experts or professional persons appointed shall be a developmental disabilities professional if the court is advised by any party that the defendant may be developmentally disabled. For purposes of the examination, the court may order the defendant committed to a hospital or other suitable facility for a period of time necessary to complete the examination, but not to exceed fifteen days.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the examination authorized by subsection (1) of this section, and that ~~(he)~~ the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the examination shall include the following:

(a) A description of the nature of the examination;

(b) A diagnosis of the mental condition of the defendant;

(c) If the defendant suffers from a mental disease or defect, or is developmentally disabled, an opinion as to ~~(his)~~ competency;

(d) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, an opinion as to the defendant's sanity at the time of the act;

(e) When directed by the court, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant is a substantial danger to other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

Sec. 5. Section 9, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 215, Laws of 1979 ex. sess. and RCW 10.77.090 are each amended to read as follows:

(1) If at any time during the pendency of an action and prior to judgment, the court finds following a report as provided in RCW 10.77.060, as now or hereafter amended, that the defendant is incompetent, the court shall order the proceedings against ~~(him)~~ the defendant be stayed, except as provided in subsection (5) of this section, and, if the defendant is charged with a felony, may commit the defendant to the custody of the secretary, who shall place such defendant in an appropriate facility of the department for evaluation and treatment, or the court may alternatively order the defendant to undergo evaluation and treatment at some other facility, or under the guidance and control of some other person, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, but in any event, for no longer than a period of ninety days. A defendant found incompetent shall be evaluated at the direction of the secretary and a determination made whether the defendant is developmentally disabled. Such evaluation and determination shall be accomplished as soon as possible following the court's placement of the defendant in the custody of the secretary. When appropriate, and subject to available funds, if the defendant is determined to be developmentally disabled, he or she may be placed in a program specifically reserved for the treatment and training of persons with developmental disabilities where the defendant shall have the right to habilitation according to an individualized service plan specifically developed for the particular needs of the defendant. The program shall be separate from programs serving persons involved in any other treatment or habilitation program. The program shall be appropriately secure under the circumstances and shall be administered by developmental disabilities professionals who shall direct the habilitation efforts. The program shall provide an environment affording security appropriate with the charged criminal behavior and necessary to protect the public safety. The department may limit admissions of such persons to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department. A copy of the report shall be sent to the facility. On or before expiration of the initial ninety day period of commitment the court shall conduct a hearing, at which it shall determine whether or not the defendant is incompetent. If the defendant is charged with a crime which is not a felony, the court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the county mental health professional to evaluate the defendant and commence proceedings under chapter 71.05 RCW if appropriate; and subsections (2) and (3) of this section shall not be applicable: PROVIDED, That, upon order of the court, the prosecutor may directly petition for fourteen days of involuntary treatment under chapter 71.05 RCW.

(2) If the court finds by a preponderance of the evidence that the defendant is incompetent, the court shall have the option of extending the order of commitment or alternative treatment for an additional ninety day period, but it must at the time of extension set a date for a prompt hearing to determine the defendant's competency before the expiration of the second ninety day period. The defendant, ~~(his)~~ the defendant's attorney, the prosecutor, or the judge

shall have the right to demand that the hearing on or before the expiration of the second ninety day period be before a jury. No extension shall be ordered for a second ninety-day period, nor for any subsequent period as provided in subsection (3) of this section if the defendant's incompetence has been determined by the secretary to be solely the result of a developmental disability which is such that competence is not reasonably likely to be regained during an extension. If no demand is made, the hearing shall be before the court. The court or jury shall determine whether or not the defendant has become competent.

(3) At the hearing upon the expiration of the second ninety day period or at the end of the first ninety day period, in the case of a developmentally disabled defendant, if the jury or court, as the case may be, finds that the defendant is incompetent, the charges shall be dismissed without prejudice, and either civil commitment proceedings shall be instituted, if appropriate, or the court shall order the release of the defendant: PROVIDED, That the criminal charges shall not be dismissed if at the end of the second ninety day period, or at the end of the first ninety day period, in the case of a developmentally disabled defendant, the court or jury finds that the defendant is a substantial danger to other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, and that there is a substantial probability that the defendant will regain competency within a reasonable period of time. In the event that the court or jury makes such a finding, the court may extend the period of commitment for an additional six months. At the end of said six month period, if the defendant remains incompetent, the charges shall be dismissed without prejudice and either civil commitment proceedings shall be instituted, if appropriate, or the court shall order release of the defendant.

(4) The fact that the defendant is unfit to proceed does not preclude any pretrial proceedings which do not require the personal participation of the defendant.

(5) A defendant receiving medication for either physical or mental problems shall not be prohibited from standing trial, if the medication either enables ~~(him)~~ the defendant to understand the proceedings against him or her and to assist in his or her own defense, or does not disable him or her from so understanding and assisting in his or her own defense.

(6) At or before the conclusion of any commitment period provided for by this section, the facility providing evaluation and treatment shall provide to the court a written report of examination which meets the requirements of RCW 10.77.060(3).

Sec. 6. Section 11, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 25, Laws of 1983 and RCW 10.77.110 are each amended to read as follows:

If a defendant is acquitted of a felony by reason of insanity, and it is found that he or she is not a substantial danger to other persons, and does not present a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall direct ~~(his)~~ the defendant's final discharge. If it is found that such defendant is a substantial danger to other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall order his or her hospitalization, or any appropriate alternative treatment less restrictive than detention in a state mental hospital, pursuant to the terms of this chapter. If the defendant has been found not guilty by reason of insanity and a substantial danger, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, so as to require treatment then the secretary shall immediately cause the defendant to be evaluated to ascertain if the defendant is developmentally disabled. When appropriate, and subject to available funds, the defendant may be committed to a program specifically reserved for the treatment and training of developmentally disabled persons. A person so committed shall receive habilitation services according to an individualized service plan specifically developed to treat the behavior which was the subject of the criminal proceedings. The treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of developmentally disabled persons. The treatment program shall provide physical security to a degree consistent with the finding that the defendant is dangerous and may incorporate varying conditions of security and alternative sites when the dangerousness of any particular defendant makes this necessary. The department may limit admissions to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department. If it is found that such defendant is not a substantial danger to other persons, and does not present a substantial likelihood of committing felonious acts jeopardizing public safety or security, but that he or she is in need of control by the court or other persons or institutions, the court shall direct ~~(his)~~ the defendant's conditional release. If the defendant is acquitted by reason of insanity of a crime which is not a felony, the court shall order the defendant's release or order the defendant's continued custody only for a reasonable time to allow the county-designated mental-health professional to evaluate the individual and to proceed with civil commitment pursuant to chapter 71.05 RCW, if considered appropriate.

Sec. 7. Section 12, chapter 117, Laws of 1973 1st ex. sess. as amended by section 11, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.120 are each amended to read as follows:

The secretary shall forthwith provide adequate and appropriate care and individualized treatment at one or several of the state institutions or facilities under his or her direction and control wherein persons committed as criminally insane or incompetent to stand trial by reason of developmental disability may be confined. Such persons shall be under the custody and control of the secretary to the same extent as are other persons who are committed to ~~(his)~~ the secretary's custody, but such provision shall be made for their control, care, and treatment as is proper in view of their condition. In order that the secretary may adequately determine the nature of the mental illness or developmental disability of the person committed to him or her as criminally insane or incompetent to stand trial, and in order for the secretary to place such individuals in a proper facility, all persons who are committed to the secretary as criminally insane or incompetent to stand trial by reason of developmental disability shall be promptly examined by qualified personnel in such a manner as to provide a proper evaluation and diagnosis of such individual. The examinations of all developmentally disabled persons committed under this chapter shall be performed by developmental disabilities professionals. Any person so committed shall not be discharged from the control of the secretary save upon the order of a court of competent jurisdiction made after a hearing and judgment of discharge.

Whenever there is a hearing which the committed person is entitled to attend, the secretary shall send him or her in the custody of one or more department employees to the county where the hearing is to be held at the time the case is called for trial. During the time ~~(he)~~ the person is absent from the facility, he or she shall be confined in a facility designated by and arranged for by the department, and shall at all times be deemed to be in the custody of the department employee and provided necessary treatment. If the decision of the hearing remits the person to custody, the department employee shall forthwith return ~~(him)~~ the person to such institution or facility designated by the secretary. If the state appeals an order of discharge, such appeal shall operate as a stay, and the person in custody shall so remain and be forthwith returned to the institution or facility designated by the secretary until a final decision has been rendered in the cause.

Sec. 8. Section 14, chapter 117, Laws of 1973 1st ex. sess. as amended by section 12, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.140 are each amended to read as follows:

Each person committed to a hospital or other facility or conditionally released pursuant to this chapter shall have a current examination of his or her mental condition made by one or more experts or professional persons at least once every six months. Said person may retain, or if ~~(he)~~ the person is indigent and so requests, the court may appoint a qualified expert or professional person to examine him or her, and such expert or professional person shall have access to all hospital records concerning the person. In the case of a committed or conditionally released person who is developmentally disabled, the expert shall be a developmental disabilities professional. The secretary, upon receipt of the periodic report, shall provide written notice to the court of commitment of compliance with the requirements of this section.

Sec. 9. Section 2, chapter 122, Laws of 1983 and RCW 10.77.163 are each amended to read as follows:

The superintendent of each state institution designated for the custody, care, and treatment of ~~(the criminally insane)~~ persons committed under this chapter shall notify appropriate law enforcement agencies through the state patrol communications network of the furloughs of persons committed under RCW 10.77.090 or 10.77.110. Notification shall be made at least forty-eight hours before the furlough, and shall include the name of the person, the place to which the person has permission to go, and the dates and times during which the person will be on furlough. For emergency furloughs, forty-eight hours notice is not required, but notice shall be made before the departure.

Sec. 10. Section 3, chapter 122, Laws of 1983 and RCW 10.77.165 are each amended to read as follows:

In the event of an escape by a ~~(criminally insane)~~ person committed under this chapter from a state institution or the disappearance of such a person on conditional release, the superintendent shall notify as appropriate, local law enforcement officers, other governmental agencies, the person's relatives, and any other appropriate persons about information necessary for the public safety or to assist in the apprehension of the person.

Sec. 11. Section 20, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 25, Laws of 1983 and RCW 10.77.200 are each amended to read as follows:

(1) Upon application by the (criminally insane or conditionally released person) committed person, whether or not conditionally released, the secretary shall determine whether or not reasonable grounds exist for final discharge. If the secretary approves the final discharge he or she then shall authorize said person to petition the court.

(2) The petition shall be served upon the court and the prosecuting attorney. The court, upon receipt of the petition for final discharge, shall within forty-five days order a hearing. Continuance of the hearing date shall only be allowed for good cause shown. The prosecuting attorney shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of his choice. If the petitioner is indigent, and ~~(he)~~ the person

so requests, the court shall appoint a qualified expert or professional person to examine him or her. If the petitioner is developmentally disabled, the examination shall be performed by a developmental disabilities professional. The hearing shall be before a jury if demanded by either the petitioner or the prosecuting attorney. The burden of proof shall be upon the petitioner to show by a preponderance of the evidence that the petitioner may be finally discharged without substantial danger to other persons, and without presenting a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

(3) Nothing contained in this chapter shall prohibit the patient from petitioning the court for final discharge or conditional release from the institution in which he or she is committed. The issue to be determined on such proceeding is whether the petitioner is a substantial danger to other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

Nothing contained in this chapter shall prohibit the committed person from petitioning for release by writ of habeas corpus.

Sec. 12. Section 21, chapter 117, Laws of 1973 1st ex. sess. as amended by section 3, chapter 196, Laws of 1983 and RCW 10.77.210 are each amended to read as follows:

Any person involuntarily detained, hospitalized, or committed pursuant to the provisions of this chapter shall have the right to adequate care and individualized treatment. The person who has custody of the patient or is in charge of treatment shall keep records detailing all medical, expert, and professional care and treatment received by a committed person, and shall keep copies of all reports of periodic examinations of the patient that have been filed with the secretary pursuant to this chapter. All records and reports made pursuant to this chapter, shall be made available only upon request, to the committed person, to his or her attorney, to his or her personal physician, to the prosecuting attorney, to the court, to the protection and advocacy agency, or other expert or professional persons who, upon proper showing, demonstrates a need for access to such records. All records and reports made pursuant to this chapter shall also be made available, upon request, to the department of corrections or the ~~(board of prison terms and paroles)~~ indefinite sentence review board if the person was on parole or probation at the time of detention, hospitalization, or commitment or the person is subsequently convicted for the crime for which ~~((they were))~~ he or she was detained, hospitalized, or committed pursuant to this chapter.

Sec. 13. Section 7, chapter 142, Laws of 1973 1st ex. sess. as amended by section 5, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.020 are each amended to read as follows:

For the purposes of this chapter:

(1) 'Gravely disabled' means a condition in which a person, as a result of a mental disorder: (a) is in danger of serious physical harm resulting from a failure to provide for his essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(2) 'Mental disorder' means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions;

(3) 'Likelihood of serious harm' means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self, (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm, or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others;

(4) 'Peace officer' means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(5) 'Judicial commitment' means a commitment by a court pursuant to the provisions of this chapter;

(6) 'Public agency' means any evaluation and treatment facility or institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(7) 'Private agency' means any person, partnership, corporation, or association not defined as a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, hospital, or sanitarium, which is conducted for, or includes a department or ward conducted for the care and treatment of persons who are mentally ill;

(8) 'Attending staff' means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(9) 'Department' means the department of social and health services of the state of Washington;

(10) 'Secretary' means the secretary of the department of social and health services, or his designee;

(11) 'Mental health professional' means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(12) 'Professional person' shall mean a mental health professional, as above defined, and shall also mean a physician, registered nurse, and such others as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(13) 'Psychiatrist' means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association;

(14) 'Psychologist' means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(15) 'Social worker' means a person with a master's or further advanced degree from an accredited school of social work or a degree from a graduate school deemed equivalent under rules and regulations adopted by the secretary;

(16) 'Evaluation and treatment facility' means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and short term inpatient care to persons suffering from a mental disorder, and which is certified as such by the department of social and health services: PROVIDED, That a physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility: PROVIDED FURTHER, That a facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification: AND PROVIDED FURTHER, That no correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(17) 'Developmental disability' means that condition defined in RCW 71A.10.020(2);

(18) 'Developmental disabilities professional' means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(19) 'Habilitative services' means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the individual being assisted as manifested by prior charged criminal conduct;

(20) 'Psychiatrist' means a person having a license as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(21) 'Psychologist' means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(22) 'Social worker' means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary;

(23) 'Individualized service plan' means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged with criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge from involuntary confinement, and a projected possible date for discharge from involuntary confinement; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

Sec. 14, Section 35, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 439, Laws of 1987 and RCW 71.05.300 are each amended to read as follows:

The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. At the time

of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall notify the designated county mental health professional. The designated county mental health professional shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, and the prosecuting attorney, and provide a copy of the petition to such persons as soon as possible.

At the time set for appearance the detained person shall be brought before the court, unless such appearance has been waived and the court shall advise him or her of his or her right to be represented by an attorney and of his or her right to a jury trial. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person.

The court may, if requested, also appoint a professional person as defined in RCW 71.05.020(12) to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a developmentally disabled person who has been determined to be incompetent pursuant to RCW 10.77.090(3), then the appointed professional person under this section shall be a developmental disabilities professional.

The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

Sec. 15. Section 37, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 67, Laws of 1986 and RCW 71.05.320 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department of social and health services for a further period of intensive treatment not to exceed ninety days from the date of judgment: PROVIDED, That if the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department. If the committed person is developmentally disabled and has been determined incompetent pursuant to RCW 10.77.090(3), and the best interests of the person or others will not be served by a less-restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for one hundred eighty-day treatment by the department. When appropriate and subject to available funds, treatment and training of such persons must be provided in a program specifically reserved for the treatment and training of developmentally disabled persons. A person so committed shall receive habilitation services pursuant to an individualized service plan specifically developed to treat the behavior which was the subject of the criminal proceedings. Said treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of developmentally disabled persons. The department may limit admissions to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department. An order for treatment less restrictive than involuntary detention may include conditions, and if such conditions are not adhered to, the designated mental health professional or developmental disabilities professional may order the person apprehended under the terms and conditions of RCW 71.05.340 as now or hereafter amended.

If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department of social and health services or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment: PROVIDED, That if the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment.

(2) Said person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) of this section unless the superintendent or professional person in charge of the facility in which he is confined, or in the event of a less restrictive alternative, the designated mental health professional or developmental disabilities professional, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of mental disorder or developmental disability presents a likelihood of serious harm to others: or

(b) Was taken into custody as a result of conduct in which he attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder or developmental disability a likelihood of serious harm to others; or

(c) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder or developmental disability presents a substantial likelihood of repeating similar acts considering the charged criminal behavior, past life history, progress in treatment, and the public safety; or

(d) Continues to be gravely disabled.

If the conduct required to be proven in subsections (b) and (c) of this section was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to reprove that element. Such new petition for involuntary treatment shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this subsection are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment. At the end of the one hundred eighty day period of commitment, the committed person shall be released unless a petition for another one hundred eighty day period of continued treatment is filed and heard in the same manner as provided herein above. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment. No person committed as herein provided may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length.

NEW SECTION, Sec. 16. A new section is added to chapter 10.77 RCW to read as follows:

The provisions of this act shall apply equally to persons presently in the custody of the department who were found by a court to be not guilty by reason of insanity or incompetent to stand trial, or has been found to have committed acts constituting a felony pursuant to RCW 71.05.280(3) and presents a substantial likelihood of repeating similar acts, and the secretary shall cause such persons to be evaluated to ascertain if such persons are developmentally disabled for placement in a program specifically reserved for the treatment and training of persons with developmental disabilities.

NEW SECTION, Sec. 17. A new section is added to chapter 71.05 RCW to read as follows:

The provisions of this act shall apply equally to persons presently in the custody of the department who were found by a court to be not guilty by reason of insanity or incompetent to stand trial, or has been found to have committed acts constituting a felony pursuant to RCW 71.05.280(3) and presents a substantial likelihood of repeating similar acts, and the secretary shall cause such persons to be evaluated to ascertain if such persons are developmentally disabled for placement in a program specifically reserved for the treatment and training of persons with developmental disabilities.

NEW SECTION, Sec. 18. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION, Sec. 19. The sum of three million two hundred forty-four thousand dollars, of which one million nine hundred sixty-eight thousand dollars is from the state general fund, is appropriated for the biennium ending June 30, 1991, to the department of social and health services to carry out the purposes of this act."

Mr. Todd spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "adults;" strike the remainder of the title and insert "amending RCW 10.77.010, 10.77.060, 10.77.090, 10.77.110, 10.77.120, 10.77.140, 10.77.163, 10.77.165, 10.77.200, 10.77.210, 71.05.020, 71.05.300, and 71.05.320; adding new sections to chapter 10.77 RCW; adding new sections to chapter 71.05 RCW; making an appropriation; and declaring an emergency."

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Todd spoke in favor of passage of the bill.

The Speaker resumed the Chair.

Representatives Winsley, Locke and Cole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1051, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brække, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1051, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1703 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1703, by Representatives R. Fisher, McLean and Anderson; by request of Office of Financial Management

Revising computation of subsistence and travel expenses.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 52nd Day, March 1, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on State Government.

Ms. R. Fisher moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1703, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brække, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1703, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1709, by Representatives O'Brien, Patrick, R. King and Sayan; by request of Department of Labor and Industries

Revising provisions for medical aid purchase of health care goods and services.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

Mr. Grant moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives O'Brien and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1709, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insole, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Valle - 1.

Engrossed House Bill No. 1709, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1768, by Representatives Todd and Nutley; by request of Department of Community Development

Increasing the building permit fee.

The bill was read the second time. Committee on Housing recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 52nd Day, March 1, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Housing as further amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 6, 1989.)

Ms. Nutley moved adoption of the committee amendment by Committee on Housing and spoke in favor of it. The committee amendment was adopted.

Mr. Grant moved adoption of the committee amendment by Committee on Appropriations.

POINT OF ORDER

Mr. R. Meyers: Thank you, Mr. Speaker. I would like a ruling on the scope and object of the Appropriations Committee amendment.

SPEAKER'S RULING

The Speaker: Representative Meyers, I find that the original House Bill No. 1768 dealt in a very straightforward manner with state fees imposed on building permits. I find that the committee amendment deals with such extra areas as directing the Department of Social and Health Services to identify advisory levels for indoor air quality; directing the State Building Code Council to include a review of techniques to reduce indoor air pollution; and requiring the Council to develop ventilation and control standards. I find that the amendment does not perfect, but attempts to expand the scope of that bill. I, therefore, find that your point is well taken; that the amendment is outside the scope and object of the original bill.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Todd spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1768, and the bill passed the House by the following vote: Yeas, 84; nays, 14.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher R, Fraser, Gallagher, Grant, Hankins, Haugen, Hine, Holland, Horn, Jacobsen, Jesernig, King P, King R, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Baugher, Bowman, Brooks, Brumsickle, Fisher G, Fuhrman, Hargrove, Heavey, Insee, Jones, Kremen, Padden, Rayburn, Rust - 14.

Engrossed House Bill No. 1768, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1841, by Representatives Peery and Winsley

Establishing criteria for composing the instructional materials committee.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 52nd Day, March 2, 1989.)

Mr. Peery moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

Mr. Peery moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 28A.58.103, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 134, Laws of 1979 ex. sess. and RCW 28A.58.103 are each amended to read as follows:

Every board of directors, unless otherwise specifically provided by law, shall:

(1) Prepare, negotiate, set forth in writing and adopt, policy relative to the selection or deletion of instructional materials. Such policy shall:

(a) State the school district's goals and principles relative to instructional materials;

(b) Delegate responsibility for the preparation and recommendation of teachers' reading lists and specify the procedures to be followed in the selection of all instructional materials including text books;

(c) Establish an instructional materials committee to be appointed, with the approval of the school board, by the school district's chief administrative officer. This committee shall consist of representative members of the district's professional staff, including representation from the district's curriculum development committees, and, in the case of districts which operate elementary school(s) only, the educational service district superintendent, one of whose responsibilities shall be to assure the correlation of those elementary district adoptions with those of the high school district(s) which serve their children. The committee may include parents at the school board's discretion: PROVIDED, That parent members shall make up less than one-half of the total membership of the committee;

(d) Provide for reasonable notice to parents and others of the opportunity to serve on the committee and for terms of office for members of the instructional materials committee;

(e) Provide a system for receiving, considering and acting upon written complaints regarding instructional materials used by the school district;

(f) Provide free text books, supplies and other instructional materials to be loaned to the pupils of the school, when, in its judgment, the best interests of the district will be subserved thereby and prescribe rules and regulations to preserve such books, supplies and other instructional materials from unnecessary damage.

Recommendation of instructional materials shall be by the district's instructional materials committee in accordance with district policy. Approval or disapproval shall be by the local school district's board of directors.

Districts may pay the necessary travel and subsistence expenses for expert counsel from outside the district. In addition, the committee's expenses incidental to visits to observe other districts' selection procedures may be reimbursed by the school district.

Districts may, within limitations stated in board policy, use and experiment with instructional materials for a period of time before general adoption is formalized.

Within the limitations of board policy, a school district's chief administrator may purchase instructional materials to meet deviant needs or rapidly changing circumstances.

(2) Establish a depreciation scale for determining the value of texts which students wish to purchase."

Mr. Schoon moved adoption of the following amendment to the amendment:

On page 1, line 28, after "shall" strike "not exceed one-third" and insert "be at least one-third of the membership, and less than one-half"

Mr. Schoon spoke in favor of the amendment to the amendment, and Mr. Peery opposed it. The amendment to the amendment was not adopted.

Representatives Peery, Schoon and Brumsickle spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "materials," strike the remainder of the title and insert "and amending RCW 28A.58.103."

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1841, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Absent: Representative McLean - 1.

Engrossed House Bill No. 1841, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

It was my intention to vote "Yes" on final passage of Engrossed House Bill No. 1841.

ALEX W. McLEAN, 12th District.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 1883 and that the bill hold its place on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1885, by Representatives Hine, Silver, H. Sommers and Sayan

Making adjustments to the judicial retirement system.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Hine spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1885, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1885, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1952, by Representatives Braddock, Appelwick and P. King
Clarifying the durable power of attorney statute.

The bill was read the second time. On motion of Mr. Appelwick, Substitute House Bill No. 1952 was substituted for House Bill No. 1952, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1952 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick, Padden and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1952, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1952, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2118, by Representatives Dorn, Brumsickle, G. Fisher and K. Wilson

Expanding coverage from grade six to grade eight of certification for candidates for grades preschool through grade six certificates.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dorn and Brumsickle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2118, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

House Bill No. 2118, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1154 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1154, by Representatives R. Fisher, McLean, Anderson, R. King, Rector, O'Brien, Sayan, Morris, Silver, Hankins, G. Fisher, Winsley, Valle, Beck, Brekke, Horn, Phillips, Miller, Ebersole and Wineberry; by request of Public Disclosure Commission

Revising campaign finance reporting.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 29th Day, February 6, 1989.)

Ms. R. Fisher moved adoption of the committee amendment. Ms. Brough spoke in favor of the motion, and Ms. R. Fisher spoke against it. The motion was not carried.

Ms. R. Fisher moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 1, Laws of 1973 as last amended by section 5, chapter 34, Laws of 1984 and RCW 42.17.020 are each amended to read as follows:

(1) 'Agency' includes all state agencies and all local agencies. 'State agency' includes every state office, department, division, bureau, board, commission, or other state agency. 'Local agency' includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) 'Ballot proposition' means any 'measure' as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) '((Campaign)) Depository' means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) '((Campaign)) Treasurer' and 'deputy ((campaign)) treasurer' mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) 'Candidate' means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) 'Commercial advertiser' means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) 'Commission' means the agency established under RCW 42.17.350.

(8) 'Compensation' unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term 'compensation' shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(9) 'Continuing political committee' means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(10) 'Contribution' includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of (~~'part-time'~~) personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of (~~(twenty-five)~~) fifty dollars personally paid for by the worker. (~~'Part-time'~~) Volunteer services, for the purposes of this chapter, means services (~~(in addition to regular full-time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends)~~) or labor for

which the individual is not compensated by any person. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution.

(11) 'Elected official' means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(12) 'Election' includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(13) 'Election campaign' means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(14) 'Expenditure' includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term 'expenditure' also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term 'expenditure' shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported (~~or payment of service charges against a political committee's campaign account~~).

(15) 'Final report' means the report described as a final report in RCW 42.17.080(2).

(16) 'Immediate family' includes the spouse, dependent children, and other dependent relatives, if living in the household.

(17) 'Legislation' means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

(18) 'Lobby' and 'lobbying' each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act (8), chapter ((34-04)) 34.05 RCW ((and chapter 28B-19 RCW)).

(19) 'Lobbyist' includes any person who lobbies either in his own or another's behalf.

(20) 'Lobbyist's employer' means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

(21) 'Person' includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(22) 'Person in interest' means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term 'person in interest' means and includes the parent or duly appointed legal representative.

(23) 'Political advertising' includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(24) 'Political committee' means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(25) 'Public office' means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(26) 'Public record' includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(27) 'Surplus funds' mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to

that election. In the case of a continuing political committee, 'surplus funds' mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

(28) 'Writing' means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 2. Section 4, chapter 1, Laws of 1973 as last amended by section 1, chapter 147, Laws of 1982 and RCW 42.17.040 are each amended to read as follows:

(1) Every political committee, within two weeks after its organization or, within two weeks after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the commission and with the county auditor or elections officer of the county in which the candidate resides ((f)), or in the case of ((e)) any other political committee ((supporting or opposing a ballot proposition)), the county in which the ((campaign)) treasurer resides(f)). A political committee organized within the last three weeks before an election and having the expectation of receiving contributions or making expenditures during and for that election campaign shall file a statement of organization within three business days after its organization or when it first has the expectation of receiving contributions or making expenditures in the election campaign.

(2) The statement of organization shall include but not be limited to:

- (a) The name and address of the committee;
 - (b) The names and addresses of all related or affiliated committees or other persons, and the nature of the relationship or affiliation;
 - (c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders;
 - (d) The name and address of its ((campaign)) treasurer and ((campaign)) depository;
 - (e) A statement whether the committee is a continuing one;
 - (f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party;
 - (g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;
 - (h) What distribution of surplus funds will be made, in accordance with RCW 42.17.095, in the event of dissolution;
 - (i) The street address of the place and the hours during which the committee will make available for public inspection its books of account and all reports filed in accordance with RCW ((42.17.065 and)) 42.17.080((as now or hereafter amended)); and
 - (j) Such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.
- (3) Any material change in information previously submitted in a statement of organization shall be reported to the commission and to the appropriate county elections officer within the ten days following the change.

Sec. 3. Section 5, chapter 1, Laws of 1973 as last amended by section 3, chapter 367, Laws of 1985 and RCW 42.17.050 are each amended to read as follows:

(1) Each candidate, within two weeks after becoming a candidate, and each political committee, at the time it is required to file a statement of organization, shall designate and file with the commission and the appropriate county elections officer the names and addresses of:

- (a) One legally competent individual, who may be the candidate, to serve as a ((campaign)) treasurer; and
- (b) A bank, mutual savings bank, savings and loan association, or credit union doing business in this state to serve as ((campaign)) depository and the name of the account or accounts ((therein)) maintained in it.

(2) A candidate, a political committee, or a ((campaign)) treasurer may appoint as many deputy ((campaign)) treasurers as is considered necessary and may designate not more than one additional ((campaign)) depository in each other county in which the campaign is conducted. The candidate or political committee shall file the names and addresses of the deputy ((campaign)) treasurers and additional ((campaign)) depositories with the commission and the appropriate county elections officer.

(3) A candidate may not knowingly establish, use, direct, or control more than one political committee for the purpose of supporting that candidate during a particular election campaign. This does not prohibit: (a) In addition to a candidate's having his or her own political committee, the candidate's participation in a political committee established to support a slate of candidates which includes the candidate; or (b) joint fund-raising efforts by candidates

when a separate political committee is established for that purpose and all contributions are disbursed to and accounted for on a pro rata basis by the benefiting candidates.

(4) (a) A candidate or political committee may at any time remove a ((campaign)) treasurer or deputy ((campaign)) treasurer or change a designated ((campaign)) depository.

(b) In the event of the death, resignation, removal, or change of a ((campaign)) treasurer, deputy ((campaign)) treasurer, or depository, the candidate or political committee shall designate and file with the commission and the appropriate county elections officer the name and address of any successor.

(5) No ((campaign)) treasurer, deputy ((campaign)) treasurer, or ((campaign)) depository may be deemed to be in compliance with the provisions of this chapter until his name and address is filed with the commission and the appropriate county elections officer.

Sec. 4. Section 6, chapter 1, Laws of 1973 as last amended by section 1, chapter 268, Laws of 1987 and RCW 42.17.060 are each amended to read as follows:

(1) All monetary contributions received by a candidate or political committee shall be deposited by the ((campaign)) treasurer or deputy treasurer in a ((campaign)) depository in an account established and designated for that purpose. Such deposits shall be made within five business days of receipt of the contribution.

(2) Political committees which support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purpose: PROVIDED, That each such account shall bear the same name followed by an appropriate designation which accurately identifies its separate purpose: AND PROVIDED FURTHER, That transfers of funds which must be reported under RCW 42.17.090(1)(d)(~~as now or hereafter amended~~) may not be made from more than one such account.

(3) Nothing in this section prohibits a candidate or political committee from investing funds on hand in a ((campaign)) depository in bonds, certificates, tax-exempt securities, or savings accounts or other similar instruments in financial institutions or mutual funds other than the ((campaign)) depository: PROVIDED, That the commission and the appropriate county elections officer is notified in writing of the initiation and the termination of the investment: PROVIDED FURTHER, That the principal of such investment when terminated together with all interest, dividends, and income derived from the investment are deposited in the ((campaign)) depository in the account from which the investment was made and properly reported to the commission and the appropriate county elections officer prior to any further disposition or expenditure thereof.

(4) Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's ((campaign)) treasurer pursuant to RCW 42.17.090(1)(b), which total in excess of one percent of the total accumulated contributions received in the current calendar year or three hundred dollars (whichever is more), may not be deposited, used, or expended, but shall be returned to the donor, if his identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the state treasurer for deposit in the state general fund.

(5) A contribution of more than fifty dollars in currency may not be accepted unless a receipt, signed by the contributor and by the candidate, ((campaign)) treasurer, or deputy ((campaign)) treasurer, is prepared and made a part of the campaign's or political committee's financial records.

Sec. 5. Section 5, chapter 294, Laws of 1975 1st ex. sess. as amended by section 4, chapter 147, Laws of 1982 and RCW 42.17.065 are each amended to read as follows:

(1) In addition to the provisions of this section, a continuing political committee shall file and report on the same conditions and at the same times as any other committee in accordance with the provisions of RCW 42.17.040, 42.17.050, and 42.17.060 ((~~as now or hereafter amended~~)).

(2) A continuing political committee shall file with the commission and the auditor or elections officer of the county in which the committee maintains its office or headquarters and if there is no such office or headquarters then in the county in which the committee treasurer resides a report on the tenth day of the month detailing its activities for the preceding calendar month in which the committee has received a contribution or made an expenditure: PROVIDED, That such report shall only be filed if either the total contributions received or total expenditures made since the last such report exceed two hundred dollars. The report shall be on a form supplied by the commission and shall include the following information:

(a) The information required by RCW 42.17.090 ((~~as now or hereafter amended~~));

(b) Each expenditure made to retire previously accumulated debts of the committee; identified by recipient, amount, and date of payments;

(c) Such other information as the commission shall by rule prescribe.

(3) If a continuing political committee shall make a contribution in support of or in opposition to a candidate or ballot proposition within sixty days prior to the date on which such candidate or ballot proposition will be voted upon, such continuing political committee shall report

pursuant to RCW 42.17.080(~~(as now or hereafter amended, until twenty-one days after said election)~~).

(4) A continuing political committee shall file reports as required by this chapter until it is dissolved, at which time a final report shall be filed. Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

(5) The campaign treasurer shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of any election, for which the committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 (~~(as now or hereafter amended)~~), at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer or such other place as may be authorized by the commission.

(6) All reports filed pursuant to this section shall be certified as correct by the campaign treasurer.

(7) The campaign treasurer shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

Sec. 6. Section 7, chapter 1, Laws of 1973 as amended by section 5, chapter 367, Laws of 1985 and RCW 42.17.070 are each amended to read as follows:

No expenditures may be made or incurred by any candidate or political committee except on the authority of the (~~(campaign)~~) treasurer or the candidate, and a record of all such expenditures shall be maintained by the (~~(campaign)~~) treasurer.

No expenditure of more than fifty dollars may be made in currency unless a receipt, signed by the recipient and by the candidate or (~~(campaign)~~) treasurer, is prepared and made a part of the campaign's or political committee's financial records.

Sec. 7. Section 8, chapter 1, Laws of 1973 as last amended by section 1, chapter 28, Laws of 1986 and RCW 42.17.080 are each amended to read as follows:

(1) On the day the (~~(campaign)~~) treasurer is designated, each candidate or political committee shall file with the commission and the county auditor or elections officer of the county in which the candidate resides (~~(f)~~), or in the case of a political committee (~~(supporting or opposing a ballot proposition)~~), the county in which the (~~(campaign)~~) treasurer resides(~~(g)~~), in addition to any statement of organization required under RCW 42.17.040 or 42.17.050 (~~(as now or hereafter amended)~~), a report of all contributions received and expenditures made prior to that date, if any.

(2) At the following intervals each (~~(campaign)~~) treasurer shall file with the commission and the county auditor or elections officer of the county in which the candidate resides (~~(f)~~), or in the case of a political committee (~~(supporting or opposing a ballot proposition)~~), the county in which the (~~(campaign)~~) committee maintains its office or headquarters, and if there is no office or headquarters then in the county in which the (~~(campaign)~~) treasurer resides(~~(g)~~), a report containing the information required by RCW 42.17.090 (~~(as now or hereafter amended)~~):

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and

(b) (~~(Within twenty-one days after the date of)~~) On the tenth day of the first month after the election: PROVIDED, That this report shall not be required following a primary election from:

(i) A candidate whose name will appear on the subsequent general election ballot; or

(ii) Any continuing political committee; and

(c) On the tenth day of each month in which no other reports are required to be filed under this section: PROVIDED, That such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

When there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and in the case of a political committee, the committee has ceased to function and has dissolved, the (~~(campaign)~~) treasurer shall file a final report. Upon submitting a final report, the duties of the (~~(campaign)~~) treasurer shall cease and there shall be no obligation to make any further reports.

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of the fifth business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of the one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date on which the special or general election is held and ending on the date of that election, the ~~((campaign))~~ treasurer shall file with the commission and the appropriate county elections officer a report of each contribution received during that period at the time that contribution is deposited pursuant to RCW 42.17.060(1)~~((as now or hereafter amended))~~. The report shall contain the name of each person contributing the funds so deposited and the amount contributed by each person~~((PROVIDED, That))~~. However, contributions of ~~((less than (than)))~~ no more than twenty-five dollars from any one person may be deposited without identifying the contributor. A copy of the report shall be retained by the ~~((campaign))~~ treasurer for his records. In the event of deposits made by a deputy ~~((campaign))~~ treasurer, the copy shall be forwarded to the ~~((campaign))~~ treasurer to be retained by him for his records. Each report shall be certified as correct by the ~~((campaign))~~ treasurer or deputy ~~((campaign))~~ treasurer making the deposit.

(4) The ~~((campaign))~~ treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day and shall be open for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 ~~((as now or hereafter amended))~~, at the principal ~~((campaign))~~ headquarters or, if there is no ~~((campaign))~~ headquarters, at the address of the ~~((campaign))~~ treasurer or such other place as may be authorized by the commission. The ~~((campaign))~~ treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

(5) All reports filed pursuant to subsections (1) or (2) of this section shall be certified as correct by the candidate and the ~~((campaign))~~ treasurer.

(6) Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 ~~((as now or hereafter amended))~~, at the principal ~~((campaign))~~ headquarters or, if there is no ~~((campaign))~~ headquarters, at the address of the ~~((campaign))~~ treasurer or such other place as may be authorized by the commission.

Sec. 8. Section 9, chapter 1, Laws of 1973 as last amended by section 2, chapter 12, Laws of 1986 and by section 1, chapter 228, Laws of 1986 and RCW 42.17.090 are each reenacted and amended to read as follows:

(1) Each report required under RCW 42.17.080 (1) and (2)~~((as now or hereafter amended))~~ shall disclose ~~((for the period beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure, and ending not more than five days prior to the date the report is due))~~ the following:

(a) The funds on hand at the beginning of the period;

(b) The name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the campaign or in the case of a continuing political committee, the current calendar year: PROVIDED, That pledges in the aggregate of less than one hundred dollars from any one person need not be reported: PROVIDED FURTHER, That the income which results from ~~((the conducting of))~~ a fund-raising activity ~~((which has previously been reported))~~ conducted in accordance with RCW 42.17.067 may be reported as one lump sum, with the exception of that portion of such income which was received from persons whose names and addresses are required to be included in the report required by RCW 42.17.067: PROVIDED FURTHER, That contributions of ~~((less))~~ no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the name(s), address(es), and amount(s) of each such contributor: PROVIDED FURTHER, That the money value of contributions of postage shall be the face value of such postage:

(c) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(d) All other contributions not otherwise listed or exempted;

(e) The name and address of each candidate or political committee ~~((from which the reporting committee or candidate received, or))~~ to which ~~((that committee or candidate made))~~ any transfer of funds was made, together with the amounts~~((:))~~ and dates~~((and purpose))~~ of ~~((all))~~ such transfers~~((information regarding the following shall be contained in a separate category of the report bearing the title "Transfer of funds": Contributions made from the campaign depository of one candidate to the campaign of another candidate; and contributions received by a candidate, or for the campaign of the candidate, from the campaign depository of another candidate;~~

(e) All other contributions not otherwise listed or exempted);

(f) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars (~~or more~~) during the period covered by this report, and the amount, date, and purpose of each such expenditure. The information required to be reported for an expenditure shall be reported under one of the following categories, whichever is appropriate: (i) Expenditures for the election of the candidate; (ii) expenditures for nonreimbursed public office-related expenses; (iii) expenditures required to be reported under (e) of this subsection; or (iv) expenditures of surplus funds and other expenditures. The report shall contain a separate total of expenditures for each category and a total sum of all expenditures;

(g) (~~The total sum of expenditures~~) The name and address of any person and the amount owed for any debt, obligation, note, unpaid loan, or other liability in the amount of more than two hundred fifty dollars or in the amount of more than fifty dollars that has been outstanding for over thirty days;

(h) The surplus or deficit of contributions over expenditures:

(i) The disposition made in accordance with RCW 42.17.095 of any surplus funds;

(j) Such other information as shall be required by the commission by ~~((regulation))~~ rule in conformance with the policies and purposes of this chapter; and

(k) Funds received from a political committee (~~not domiciled in Washington state or~~) not otherwise required to report under this chapter (a 'nonreporting committee'). Such funds shall be forfeited to the state of Washington unless the nonreporting committee (~~or the recipient of such funds~~) has filed or within ten days following such receipt (~~shall~~) files with the commission a statement disclosing: (i) its name and address; (ii) the purposes of the nonreporting committee; (iii) the names, addresses, and titles of its officers or if it has no officers, the names, addresses, and titles of its responsible leaders; (iv) (~~a statement whether the nonreporting committee is a continuing one;~~) ~~(v))~~ the name, office sought, and party affiliation of each candidate in the state of Washington whom the nonreporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party; ~~((v))~~ (v) the ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition; ~~((vii))~~ (vi) the name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions in the aggregate of more than twenty-five dollars (~~or more~~) to the nonreporting committee during the current calendar year, together with the money value and date of such contributions; ~~((viii))~~ (vii) the name and address of each person in the state of Washington to whom an expenditure was made by the nonreporting committee on behalf of a candidate or political committee in the aggregate amount of ~~((twenty-five))~~ more than fifty dollars (~~or more~~), the amount, date, and purpose of such expenditure, and the total sum of such expenditures; ~~((ix))~~ (viii) such other information as the commission may (~~by regulation~~) prescribe by rule, in keeping with the policies and purposes of this chapter. A nonreporting committee incurring an obligation to file additional reports in a calendar year may satisfy the obligation by filing with the commission a letter providing updating or amending information.

(2) The ~~((campaign))~~ treasurer and the candidate shall certify the correctness of each report.

Sec. 9. Section 10, chapter 1, Laws of 1973 as last amended by section 6, chapter 367, Laws of 1985 and RCW 42.17.100 are each amended to read as follows:

(1) For the purposes of this section the term 'independent campaign expenditure' means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17.060, ~~((42.17.065))~~ 42.17.080, or 42.17.090.

(2) Within five days after the date of making an independent campaign expenditure that by itself or when added to all other such independent campaign expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within five days after the date of making an independent campaign expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent campaign expenditure shall file with the commission and the county ~~((auditor))~~ elections officer of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a local ballot proposition, the county of residence for the person making the expenditure) an initial report of all independent campaign expenditures made during the campaign prior to and including such date.

(3) At the following intervals each person who is required to file an initial report pursuant to subsection (2) of this section shall file with the commission and the county ~~((auditor))~~ elections officer of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person making the expenditure) a further report of the independent campaign expenditures made since the date of the last report:

(a) On the twenty-first day (~~(preceding the primary)~~) and the seventh day preceding the date on which the election is held; and

(b) (~~Within twenty-one days after the date of~~) On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed pursuant to this section. However, the further reports required by this subsection (3) shall only be filed if the reporting person has made an independent campaign expenditure since the date of the last previous report filed.

The report filed pursuant to paragraph (a) of this subsection (3) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

(4) All reports filed pursuant to this section shall be certified as correct by the reporting person.

(5) Each report required by subsections (2) and (3) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent campaign expenditure, and ending not more than (~~five days prior to~~) one business day before the date the report is due:

(a) The name and address of the person filing the report;

(b) The name and address of each person to whom an independent campaign expenditure was made in the aggregate amount of (~~twenty-five~~) more than fifty dollars (~~or more~~), and the amount, date, and purpose of each such expenditure. If no reasonable estimate of the monetary value of a particular independent campaign expenditure is practicable, it is sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(c) The total sum of all independent campaign expenditures made during the campaign to date; and

(d) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter.

Sec. 10. Section 1, chapter 176, Laws of 1983 as last amended by section 2, chapter 228, Laws of 1986 and RCW 42.17.105 are each amended to read as follows:

(1) Campaign treasurers shall prepare and deliver to the commission a special report regarding any contribution which:

(a) Exceeds five hundred dollars;

(b) Is from a single person or entity;

(c) Is received before a primary or general election; and

(d) Is received: (i) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (ii) within twenty-one days preceding that general election.

(2) Any political committee making a contribution which exceeds five hundred dollars shall also prepare and deliver to the commission the special report if the contribution is made before a primary or general election and: (a) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (b) within twenty-one days preceding that general election.

(3) Except as provided in subsection (4) of this section, the special report required by this section shall be delivered in written form, including but not limited to mailgram, telegram, or nightletter. The special report required by subsection (1) of this section shall be delivered to the commission within forty-eight hours of the time, or on the first working day after, the contribution is received by the candidate or campaign treasurer. The special report required by subsection (2) of this section and RCW 42.17.175 shall be delivered to the commission, and the candidate or political committee to whom the contribution is made, within twenty-four hours of the time, or on the first working day after, the contribution is made.

(4) The special report may be transmitted orally by telephone to the commission to satisfy the delivery period required by subsection (3) of this section if the written form of the report is also mailed to the commission and postmarked within the delivery period established in subsection (3) of this section.

(5) The special report shall include at least:

(a) The amount of the contribution;

(b) The date of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient; and

(e) Any other information the commission may by rule require.

(6) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(7) The commission shall publish daily a summary of the special reports made under this section and RCW 42.17.175.

(8) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17.090 in the

aggregate exceeding fifty thousand dollars for any campaign for state-wide office or exceeding five thousand dollars for any other campaign subject to the provisions of this chapter within twenty-one days of a general election. This subsection does not apply to contributions made by, or accepted from, a major Washington state political party as defined in RCW 29.01.090.

Sec. 11. Section 6, chapter 336, Laws of 1977 ex. sess. as amended by section 7, chapter 367, Laws of 1985 and RCW 42.17.125 are each amended to read as follows:

Contributions received and reported in accordance with RCW 42.17.060 through 42.17.090 may only be transferred to the personal account of a candidate, or of a ((campaign)) treasurer or other individual or expended for such individual's personal use under the following circumstances:

(1) Reimbursement for or loans to cover lost earnings incurred as a result of campaigning or services performed for the committee. Such lost earnings shall be verifiable as unpaid salary, or when the individual is not salaried, as an amount not to exceed income received by the individual for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the individual or the individual's political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(2) Reimbursement for direct out-of-pocket election campaign and postelection campaign related expenses made by the individual. To receive reimbursement from the political committee, the individual shall provide the committee with written documentation as to the amount, date, and description of each expense, and the committee shall include a copy of such information when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(3) Repayment of loans made by the individual to political committees, which repayment shall be reported pursuant to RCW 42.17.090.

Sec. 12. Section 3, chapter 228, Laws of 1986 and RCW 42.17.135 are each amended to read as follows:

A candidate or political committee receiving a contribution earmarked for the benefit of another candidate or political committee shall ~~((in addition to reporting))~~:

(1) Report the contribution as required in RCW 42.17.080 and 42.17.090((:));

(2) Complete a report, entitled 'Earmarked contributions,' on a form prescribed by the commission by rule, which identifies the name and address of the person who made the contribution, the candidate or political committee for whose benefit the contribution is earmarked, the amount of the contribution, and the date on which the contribution was received; and

(3) Notify the commission and the candidate or political committee for whose benefit the contribution is earmarked regarding ((its)) the receipt of the contribution by mailing or delivering to the commission and to the candidate or committee a copy of the 'Earmarked contributions' report. Such notice shall be given within two working days of receipt of the contribution.

A candidate or political committee for whose benefit a contribution is earmarked shall report the receipt of such ~~((earmarked))~~ a contribution in ~~((a separate category in))~~ the same manner as the receipt of any other contribution is disclosed in reports required by RCW 42.17.080 and 42.17.090 ~~((entitled 'Earmarked Contributions-'))~~.

Sec. 13. Section 5, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.243 are each amended to read as follows:

(1) Elected and appointed officials required to report under RCW 42.17.240((:)) shall report for themselves and for members of their immediate family to the commission any contributions received during the preceding calendar ~~((year))~~ quarter for the officials' use in defraying nonreimbursed public office related expenses. Contributions reported under this section shall be referred to as a 'public office fund' and shall not be transferred to a political committee nor used to promote or oppose a candidate or ballot proposition, other than as provided by subsection (3) (a) of this section. For the purposes of this section contributions shall include reimbursements from or payments by persons, other than the state of Washington or any agency, for travel expenses.

A report shall be filed ~~((during the))~~ within one month ~~((of January of any year following a year))~~ after the end of each calendar quarter in which such contributions were received for or expenditures made from a public office fund. The report shall include:

(a) The name and address of each contributor;

(b) A description of each contribution, including the date on which it was received and its amount or, if its dollar value is unascertainable, an estimate of its fair market value; and

(c) A description of each expenditure made from a public office fund, including the name and address of the recipient, the amount, and the date of each such expenditure.

(2) No report under subsection (1) of this section shall be required if:

(a) The receipt of the contribution has been reported pursuant to RCW 42.17.065 (continuing political committee reports) or RCW 42.17.090 (political committee reports); or

(b) The contribution is in the form of meals, refreshments, or entertainment given in connection with official appearances or occasions where public business was discussed.

(3) Any funds which remain in a public office fund after all permissible public office related expenses have been paid may only be disposed of in one or more of the following ways:

(a) Returned to a contributor in an amount not to exceed that contributor's original contribution; or

(b) Donated to a charitable organization registered in accordance with chapter 19.09 RCW; or

(c) Transferred to the state treasurer for deposit in the general fund.

NEW SECTION, Sec. 14. This act shall take effect January 1, 1990."

Ms. R. Fisher spoke in favor of adoption of the amendment, and Representatives Brough and Ballard spoke against it. Ms. R. Fisher again spoke in favor of the amendment.

The Speaker stated the question before the House to be the adoption of the amendment by Representative R. Fisher to House Bill No. 1154.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 55; Nays - 40. The amendment was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "reporting;" strike the remainder of the title and insert "amending RCW 42.17.020, 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.070, 42.17.080, 42.17.100, 42.17.105, 42.17.125, 42.17.135, and 42.17.243; reenacting and amending RCW 42.17.090; and providing an effective date."

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1154, and the bill passed the House by the following vote: Yeas, 66; nays, 32.

Voting yea: Representatives Anderson, Appelwick, Baugher, Belcher, Braddock, Brekke, Bristol, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Van Luven, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 66.

Voting nay: Representatives Ballard, Basich, Beck, Betzoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Hargrove, Holland, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Silver, Smith, Sommers D, Tate, Walker, Wilson S, Wolfe, Wood, Youngsman - 32.

Engrossed House Bill No. 1154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1172, by Representatives Belcher, Locke, R. Fisher, Sayan, K. Wilson, Rust, Hine, Miller, Ferguson, Dellwo, Spanel, Fraser and Brough

Revising requirements for natural resources conservation areas.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 38th Day, February 15, 1989.)

Ms. Belcher moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Mr. Inslee moved adoption of the following amendment by Representatives Inslee, Belcher, Rayburn and Baugher:

On page 6, line 14, after "rim" insert " PROVIDED, HOWEVER, That nothing in this subsection shall impede the use of this canyon for development of water resources in the Wymer Canyon"

Mr. Inslee spoke in favor of adoption of the amendment, and it was adopted.

Mr. Basich moved adoption of the following amendment by Representatives Basich, Hargrove, Crane, Fuhrman and Doty:

On page 7, beginning on line 28, strike all of section 14

Representatives Basich, Crane, Belcher and May spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 3 of the title, strike "79.71.110, and 82.45.060" and insert "and 79.71.110"

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1172, and the bill passed the House by the following vote: Yeas, 90; nays, 5; absent, 3.

Voting yea: Representatives Anderson, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Ballard, Baugher, Doty, McLean, Rayburn - 5.

Absent: Representatives Appelwick, Morris, Wilson K - 3.

Engrossed House Bill No. 1172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENTS FOR THE JOURNAL

I intended to vote "Yes" on the final passage of Engrossed House Bill No. 1172, but was deterred from doing so.

MARLIN J. APPELWICK, 46th District.

I intended to vote "Yes" on the final passage of Engrossed House Bill No. 1172, but was deterred from doing so.

BETTY SUE MORRIS, 18th District.

In voting for Engrossed House Bill No. 1172, my voting button did not push and stick, so that when I looked up at the board, it was not lit. I reached to push the "Yes" button again, but the Speaker had already locked the voting machine.

KARLA WILSON, District 39A.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1635 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1635, by Representatives Brough, Appelwick and G. Fisher; by request of Department of Social and Health Services

Making changes to support enforcement provisions.

The bill was read the second time. On motion of Mr. Crane, Substitute House Bill No. 1635 was substituted for House Bill No. 1635, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1635 was read the second time.

Mr. P. King moved adoption of the following amendments:

On page 9, line 26, after "statement" strike everything through "((" on line 28 and insert "(with the county auditor of the county in which such property is located. A lien"

On page 9, line 31, beginning with "filed" strike everything through "property" on line 34

Representatives P. King, Crane and Heavey spoke in favor of adoption of the amendments, and Ms. Brough opposed them.

The Speaker stated the question before the House to be the adoption of the amendments by Representative P. King to Substitute House Bill No. 1635.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 51; Nays - 46. The amendments were adopted.

Ms. Morris moved adoption of the following amendment by Representatives Morris, Belcher, Cole, Braddock and Vekich:

On page 50, beginning on line 30, strike section 40
Renumber the remaining sections.

Ms. Morris spoke in favor of adoption of the amendment, and Mr. Crane opposed it.

MOTIONS

Mr. Ebersole moved that the House defer further consideration of Substitute House Bill No. 1635 and that the bill hold its place on the regular second reading calendar. The motion was carried.

Mr. Ebersole moved that the House immediately consider House Bill No. 1883 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1883, by Representatives Spanel, Haugen, S. Wilson, Schmidt, Zellinsky, Rust, Leonard, Ferguson and Cole

Requiring the department of ecology to adopt guidelines to be used by local governments in the regulation of aquaculture.

The bill was read the second time. On motion of Mr. R. King, Substitute House Bill No. 1883 was substituted for House Bill No. 1883, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1883 was read the second time.

Ms. Spanel moved adoption of the following amendment:

On page 1, line 22, after "important;" strike all material down to and including "act" on line 25 and insert:

"(5) State agencies, local governments, and others have expended a considerable amount of effort in the development of shoreline master program amendments, interim guidelines and a draft environmental impact statement for floating fin fish aquaculture; and

(6) State agencies, with the involvement of local governments and other interested parties, need to review the existing interim guidelines in light of any new information gathered through the environmental impact statement process, and to adopt permanent guidelines for the siting of floating aquaculture facilities. Local governments also need to review their shoreline master programs to ensure that the programs are consistent with this act"

Ms. Spanel spoke in favor of adoption of the amendment, and it was adopted.

Ms. Spanel moved adoption of the following amendment:

On page 1, line 26, after "shall," strike all material down to and including "resources" on line 28 and insert "in cooperation with other state agencies with regulatory or proprietary authority over floating aquaculture projects"

Ms. Spanel spoke in favor of adoption of the amendment, and it was adopted.

Mr. R. King moved adoption of the following amendment by Representatives R. King, Sayan and Bowman:

On page 2, line 2, after "water" strike "and shore based components" and insert "based component"

Mr. R. King spoke in favor of adoption of the amendment, and Representatives Spanel, S. Wilson and Leonard opposed it. The amendment was not adopted.

Mr. R. King moved adoption of the following amendment by Representatives R. King, Sayan and Bowman:

On page 2, line 24, after "impacts" strike everything down to and including "conditions." on line 27

Renumber remaining subsections consecutively

Representatives R. King, Sayan and Bowman spoke in favor of adoption of the amendment, and Representatives Spanel and S. Wilson opposed it. Mr. Sayan

again spoke in favor of the amendment, and Ms. Haugen spoke against it. Representatives Valle and R. Meyers spoke in favor of the amendment, and Ms. Spanel again opposed it.

The Speaker stated the question before the House to be the adoption of the amendment on page 2, line 24, by Representatives R. King and others to Substitute House Bill No. 1883.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 39; Nays - 55. The amendment was not adopted.

Mr. R. King moved adoption of the following amendment by Representatives R. King, Sayan and Bowman:

On page 4, line 10, after "act." strike all of new section 7

Renumber the remaining sections consecutively and correct internal references accordingly

Representatives R. King and R. Meyers spoke in favor of adoption of the amendment, and Ms. Spanel opposed it.

The Speaker stated the question before the House to be the adoption of the amendment on page 4, line 10, by Representatives R. King and others to Substitute House Bill No. 1883.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 42; Nays - 55. The amendment was not adopted.

The Clerk read the following amendment by Representatives R. King, Sayan and Bowman:

On page 4, line 14, after "decision" strike all of new section 8

Renumber the remaining sections consecutively and correct internal references accordingly

With consent of the House, Mr. R. King withdrew the amendment.

Mr. Vekich moved adoption of the following amendment by Representatives Vekich and Sayan:

On page 4, line 10, after "act" insert ", with the exception of shellfish rafts"

Representatives Vekich and S. Wilson spoke in favor of adoption of the amendment, and it was adopted.

The Clerk read the following amendment by Representatives Vekich and Haugen:

On page 4, after line 24, strike all material through and including "RCW." on line 26 and insert the following:

NEW SECTION. Sec. 10. The legislature finds that local governments face a financial burden when they must plan for and regulate the siting and monitoring of salt water net pens raising fish. The industry should contribute funds to local government for these purposes and pay an excise tax in a manner and at a rate consistent with taxes paid on the harvest of free-swimming fish.

NEW SECTION. Sec. 11. In addition to all other taxes, licenses, or fees provided by law, there is established an excise tax on the harvesting of fish raised in salt water net pens. The tax is levied upon and shall be collected at the first commercial transaction on adult fish from the owner of the fish in the net pen. The tax shall be imposed at a rate of one and one-fourth cents per pound.

NEW SECTION. Sec. 12. All of the provisions of chapters 82.02 and 82.32 RCW shall be applicable and have full force and effect with respect to taxes imposed under this chapter. The meaning attributed to words and phrases in chapter 82.04 RCW, insofar as applicable, shall have full force and effect with respect to taxes imposed under this chapter.

NEW SECTION. Sec. 13. The taxes levied by this chapter shall be due for payment monthly and remittance therefor shall be made on or before the fifteenth day of the month next succeeding the end of the month in which the tax accrued. The taxpayer on or before the due date shall make out a signed return, setting out such information as the department of revenue may require, including the number of fish harvested and the amount of tax due for the preceding monthly period, which amount shall be transmitted to the department along with the return.

The department may relieve any taxpayer from the obligation of filing a monthly return and may require the return to cover other periods, but in no event may periodic returns be filed for a period greater than one year.

NEW SECTION. Sec. 14. All taxes collected by the department of revenue under this chapter shall be deposited in the state general fund and appropriated exclusively to the department of ecology for use as grants to local governments for the purpose of defraying the costs associated with the planning, siting, monitoring, and regulating of salt water net pens. Up to fifteen percent of these moneys may be used by the department of ecology to defray administrative costs. If at the end of any biennium the department of ecology certifies to the director of financial management that any of the revenues from the excise tax under section 12 of this act are surplus to current needs, the state treasurer shall transfer the surplus into the aquatic land enhancement account.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. Sections 1 through 7 of this act are each added to chapter 90.58 RCW.

NEW SECTION. Sec. 17. Sections 10 through 14 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989. The directors of revenue and ecology are authorized to immediately take such steps as are necessary to insure that this act is implemented on its effective date."

With consent of the House, Mr. Vekich withdrew the amendment.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Spanel, S. Wilson, Haugen and Jones spoke in favor of passage of the bill, and Representatives Nutley, Basich and R. King opposed it.

Mr. Crane demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1883, and the bill passed the House by the following vote: Yeas, 61; nays, 36; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Belcher, Betzoff, Brekke, Brough, Cantwell, Chandler, Cole, Day, Dellwo, Dorn, Ferguson, Fisher G, Fisher R, Fraser, Hankins, Haugen, Heavey, Hine, Horn, Jacobsen, Jones, King P, Kremen, Leonard, Locke, May, Miller, Morris, Moyer, Nealey, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rector, Rust, Schmidt, Schoon, Smith, Sommers H, Spanel, Sprenkle, Tate, Todd, Van Luvan, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Wolfe, Wood, Youngsman, Zellinsky - 61.

Voting nay: Representatives Ballard, Basich, Baugher, Beck, Bowman, Braddock, Bristow, Brooks, Brumsickle, Cooper, Crane, Doty, Ebersole, Fuhrman, Gallagher, Grant, Hargrove, Holland, Inslee, Jesernig, King R, McLean, Meyers R, Myers H, Nelson, Nutley, Patrick, Raiter, Rayburn, Sayan, Scott, Silver, Sommers D, Valle, Wang, and Mr. Speaker - 36.

Absent: Representative Winsley - 1.

Engrossed Substitute House Bill No. 1883, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 14, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5013,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5026,
 SUBSTITUTE SENATE BILL NO. 5140,
 SUBSTITTUTE SENATE BILL NO. 5148,
 SUBSTITUTE SENATE BILL NO. 5220,
 SENATE BILL NO. 5276,
 SUBSTITUTE SENATE BILL NO. 5319,
 SENATE BILL NO. 5384,
 SENATE BILL NO. 5401,
 SUBSTITTUTE SENATE BILL NO. 5435,
 SUBSTITUTE SENATE BILL NO. 5443,

ENGROSSED SENATE BILL NO. 5451,
 SUBSTITUTE SENATE BILL NO. 5479,
 SUBSTITUTE SENATE BILL NO. 5491,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5531,
 SUBSTITUTE SENATE BILL NO. 5553,
 SUBSTITUTE SENATE BILL NO. 5591,
 SENATE BILL NO. 5592,
 SENATE BILL NO. 5616,
 SUBSTITUTE SENATE BILL NO. 5651,
 SENATE BILL NO. 5679,
 SENATE BILL NO. 5685,
 SENATE BILL NO. 5690,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5713,
 SENATE BILL NO. 5736,
 SENATE BILL NO. 5738,
 SUBSTITUTE SENATE BILL NO. 5754,
 SUBSTITUTE SENATE BILL NO. 5772,
 ENGROSSED SENATE BILL NO. 5808,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5810,
 SENATE BILL NO. 5926,
 ENGROSSED SENATE BILL NO. 5929,
 SUBSTITUTE SENATE BILL NO. 5952,
 SUBSTITUTE SENATE BILL NO. 6003,
 SENATE BILL NO. 6032,
 SECOND SUBSTITUTE SENATE BILL NO. 6051,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2214 by Representatives Valle, Nutley, Winsley, Ballard, Leonard and Anderson

AN ACT Relating to the state investment board; and adding a new section to chapter 43.33A RCW.

Referred to Committee on Housing.

SSB 5013 by Committee on Education (originally sponsored by Senator Owen)

Relating to second class school districts changing back to having directors run at-large.

Referred to Committee on Education.

ESSB 5026 by Committee on Children & Family Services (originally sponsored by Senators Kreidler, Smith, Stratton, Rinehart, Wojahn and Sutherland)

Expanding child care resources and information.

Referred to Committee on Human Services.

SSB 5140 by Committee on Ways & Means (originally sponsored by Senators McCaslin and DeJarnatt; by request of Governor)

Changing provisions relating to state personnel administration.

Referred to Committee on State Government.

SSB 5148 by Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Rasmussen, Johnson, Smitherman, McCaslin and Moore)

Regulating automobile rental liability.

Referred to Committee on Financial Institutions & Insurance.

SSB 5220 by Committee on Higher Education (originally sponsored by Senators Saling, Bauer, Bailey, Stratton, Lee and Smitherman)

Establishing the community college exceptional faculty award program.

Referred to Committee on Higher Education.

SB 5276 by Senators Barr, Smith, Hansen, and Benitz

Exempting recreational horse trailers from special driver licensing requirements.

Referred to Committee on Transportation.

SSB 5319 by Committee on Health Care & Corrections (originally sponsored by Senators West, McMullen, Smitherman, DeJarnatt, Benitz, Fleming and Niemi)

Prohibiting the use of drugs or autotransfusions by physicians to enhance an athlete's abilities.

Referred to Committee on Health Care.

SB 5384 by Senators Patterson, Craswell, Bender, McMullen and von Reichbauer

Exempting state ferry fuel from sales and use tax.

Referred to Committees on Transportation/Revenue.

SB 5401 by Senators Barr, Hansen and Bailey

Naming a state grass.

Referred to Committee on State Government.

SSB 5435 by Committee on Governmental Operations (originally sponsored by Senators McCaslin, DeJarnatt, Nelson, Owen, Smitherman, Anderson, Bender and Sutherland)

Regulating subdivisions.

Referred to Committee on Local Government.

SSB 5443 by Committee on Transportation (originally sponsored by Senators von Reichbauer, Bender, Patterson, DeJarnatt, Conner and Hansen; by request of Legislative Transportation Committee)

Making various policy changes in vehicle laws.

Referred to Committee on Transportation.

ESB 5451 by Senators Talmadge and Moore

Creating a sales and use tax exemption for certain donated clothing.

Referred to Committee on Revenue.

SSB 5479 by Committee on Environment & Natural Resources (originally sponsored by Senators Owen, Amondson, Kreidler, West and Sellar)

Establishing two recreational geoduck harvesting areas.

Referred to Committee on Natural Resources & Parks.

SSB 5491 by Committee on Transportation (originally sponsored by Senators Talmadge and Bender)

Requiring edgestripping along certain roadways.

Referred to Committee on Transportation.

ESSB 5531 by Committee on Ways & Means (originally sponsored by Senators Gaspard and Bailey)

Revising provisions for the award for excellence in education program.

Referred to Committee on Education.

SSB 5553 by Committee on Transportation (originally sponsored by Senators Patterson, Hansen, Madsen and Benitz; by request of Utilities and Transportation Commission)

Deregulating excursion buses.

Referred to Committee on Transportation.

SSB 5591 by Committee on Transportation (originally sponsored by Senators Patterson, DeJarnatt and Sellar; by request of Department of Transportation)

Prescribing penalties for unfranchised use of highway right-of-way.

Referred to Committee on Transportation.

SB 5592 by Senators Patterson, DeJarnatt and Sellar; by request of Department of Transportation

Limiting liability for damages to facilities on state highways.

Referred to Committee on Transportation.

SB 5616 by Senators McDonald, Gaspard, Rasmussen, Rinehart, Moore, Smitherman, Talmadge, Johnson, Bailey and Fleming

Regarding the identification of levy reduction funds.

Referred to Committees on Education/Appropriations.

SSB 5651 by Committee on Ways & Means (originally sponsored by Senators Pullen, Talmadge, Owen, Nelson, Thorsness and Hayner; by request of Attorney General)

Continuing the homicide information and tracking system.

Referred to Committee on Judiciary.

SB 5679 by Senators von Reichbauer, Moore, Sellar and McMullen; by request of Insurance Commissioner

Revising provisions for industrial insurance funds.

Referred to Committee on Commerce & Labor.

SB 5685 by Senators Newhouse and McMullen

Revising provisions for attorneys' fees in industrial insurance appeals.

Referred to Committee on Commerce & Labor.

SB 5690 by Senators West, Hansen and Patterson; by request of Department of Licensing

Changing provisions relating to the motor vehicle fuel tax.

Referred to Committee on Transportation.

ESSB 5713 by Committee on Health Care & Corrections (originally sponsored by Senators West, Kreidler and Wojahn; by request of Department of Social and Health Services)

Providing for licensure of medical test sites.

Referred to Committee on Commerce & Labor.

SB 5736 by Senators Bailey, Rinehart, Gaspard, Smitherman, Bender, Lee, Fleming, Metcalf, Murray, Anderson, Conner and Smith; by request of Superintendent of Public Instruction

Modifying local funding requirements for school construction.

Referred to Committee on Education.

SB 5738 by Senators Bailey, Rinehart, Gaspard, Smitherman, Bender, Lee, Fleming, Metcalf and Murray; by request of Superintendent of Public Instruction

Changing requirements of student motivation, retention, and retrieval program.

Referred to Committee on Education.

SSB 5754 by Committee on Economic Development & Labor (originally sponsored by Senators Anderson, Matson, Owen, Gaspard and Smitherman)

Revising provisions for release of health care information under industrial insurance.

Referred to Committee on Commerce & Labor.

SSB 5772 by Committee on Health Care & Corrections (originally sponsored by Senators West, Kreidler, von Reichbauer, Stratton, Anderson, Benitz, Nelson, Niemi, McDonald and Bailey)

Regarding out-of-state pharmacies.

Referred to Committee on Health Care.

ESB 5808 by Senators Lee, Matson, McMullen, Warnke and Vognild

Authorizing the use of an irrevocable letter of credit by an employer choosing to self-insure under the industrial insurance act.

Referred to Committee on Commerce & Labor.

ESSB 5810 by Committee on Agriculture (originally sponsored by Senators Barr, Madsen, Sutherland and Benitz)

Modifying responsibility for hazardous material incidents.

Referred to Committee on Environmental Affairs.

ESSB 5911 by Committee on Ways & Means (originally sponsored by Senators Amondson, Stratton, Hayner, Owen, McDonald, Newhouse, Anderson, Matson, Johnson, Smith, Lee, Bailey, Cantu, Thorsness, Patterson, Benitz, Nelson, Saling, Sellar, Craswell, Barr, McCaslin, Conner, Rasmussen, DeJarnatt and Bauer)

Providing for the sale of state timber.

Held on First Reading from 3/14/89.

SB 5926 by Senators Benitz, Williams and Stratton

Requiring development of contingency plans relating to the Hanford facility's low-level radioactive waste.

Referred to Committee on Energy & Utilities.

ESB 5929 by Senator Johnson

Providing a minimum retirement allowance for members of the public employees' and teachers' retirement systems.

Referred to Committee on Appropriations.

SSB 5952 by Committee on Law & Justice (originally sponsored by Senators Pullen, Talmadge and Nelson)

Changing provisions relating to small claims.

Referred to Committee on Judiciary.

SSB 6003 by Committee on Education (originally sponsored by Senators Bailey, Rinehart, Gaspard, Murray, Warnke, Bauer, Patterson and Craswell)

Permitting school and educational service districts to provide employees with postretirement medical benefits for unused sick leave.

Referred to Committee on Education.

SB 6032 by Senators Benitz, Williams, Barr, Stratton, Metcalf and West

Requiring the utilities and transportation commission to study the feasibility of eliminating multiparty lines and mileage charges.

Referred to Committee on Energy & Utilities.

2SSB 6051 by Committee on Ways & Means (originally sponsored by Senators Anderson, Cantu, Stratton, Smith, Thorsness, McMullen, Wojahn, Lee and Bailey)

Promoting employer involvement in the development of child care services and facilities.

Referred to Committee on Trade & Economic Development.

MOTION

On motion of Mr. Ebersole, the bills listed on today's supplemental introduction sheet under the fourth order of business were referred to the committees so designated.

MOTIONS

On motion of Mr. Ebersole, the following bills were referred from the second reading calendars to Committee on Rules 2: House Bill No. 1273, Substitute House Bill No. 1635, House Bill No. 1732, House Bill No. 1896, House Bill No. 2003 and House Bill No. 2087.

On motion of Mr. Ebersole, the following bills were referred from the third reading calendar to Committee on Rules 3: Engrossed House Bill No. 1319 and Engrossed Substitute House Bill No. 1583.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:30 a.m., Friday, March 17, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SIXTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, March 17, 1989

The House was called to order at 9:30 a.m. by the Speaker (Ms. Hine presiding). The Clerk called the roll and all members were present except Representatives Brooks, Doty, Ferguson, Miller and Walker. On motion of Mr. D. Sommers, Representatives Brooks, Doty, Ferguson, Miller and Walker were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Amy Silver and David Silver. Prayer was offered by Father Brian Hart, Minister of Base Chapel, Submarine Base Bangor, Silverdale, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

March 17, 1989

On this day in 1889, the Ancient Order of Hibernians in Tacoma celebrated St. Patrick's Day with a large meeting, sang "Irish Air" and "The Wearing of the Green", and heard a speech by an Irishman about English rule in Ireland. And, two imported French Percheron stallions were delivered to Chehalis to improve the local farm horses.

On March 17, 1894 eighteen Dutch colonists came to Whidbey Island, landing in Oak Harbor. They brought an expert cheese maker.

On March 17, 1922 Frank Cooper resigned as Seattle Superintendent of Schools after twenty-one years on the job. He was a progressive committed to professional teachers, new teaching methods, and vocational as well as academic schools. He left when a conservative board cut the budget.

On this day in 1937 pumping stopped at the abandoned Carbonado coal mine, letting the water rise and ruin the tunnels. The mine had produced ten million tons of coal since 1879. On the mine's last day of work, a miner was killed in an accident.

And, on this day in 1937, the Washington State Apple Commission was established to promote Washington apples.

MESSAGE FROM THE SENATE

March 15, 1989

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5065,
SUBSTITUTE SENATE BILL NO. 5127,
SECOND SUBSTITUTE SENATE BILL NO. 5145,
SUBSTITUTE SENATE BILL NO. 5166,
SENATE BILL NO. 5167,
SECOND SUBSTITUTE SENATE BILL NO. 5177,
SUBSTITUTE SENATE BILL NO. 5214,
SENATE BILL NO. 5231,
SENATE BILL NO. 5309,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5314,
SUBSTITUTE SENATE BILL NO. 5430,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5499,
SUBSTITUTE SENATE BILL NO. 5525,
SENATE BILL NO. 5617,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5644,
 SENATE BILL NO. 5699,
 SUBSTITUTE SENATE BILL NO. 5723,
 SENATE BILL NO. 5737,
 SENATE BILL NO. 5797,
 ENGROSSED SENATE BILL NO. 5809,
 ENGROSSED SENATE BILL NO. 5842,
 ENGROSSED SENATE BILL NO. 5871,
 SENATE BILL NO. 5895,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5905,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5917,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5931,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6033,
 SENATE BILL NO. 6034,
 ENGROSSED SENATE BILL NO. 6045,
 ENGROSSED SENATE BILL NO. 6076,
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8014,
 SUBSTITUTE SENATE JOINT RESOLUTION NO. 8207.

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

PROCLAMATION BY THE GOVERNOR

WHEREAS, the Mountlake Terrace High School Girls' Soccer Team has shown great character and athletic ability in winning both the 1987 and 1988 Washington State "AA" Girls' Soccer Championships; and

WHEREAS, the members of the team, their coaches, families and supporters have worked hard for many months to achieve success; and

WHEREAS, the "Hawks" consecutive victories were made possible through a strong team effort as well as outstanding individual performances; and

WHEREAS, Katie Vadnais, Chris Koenan, Jill Zebrung, Annika Nehrer, Julie Wheeler, Cheryl McDonald, Angie Fleury, Janelle King, Kelly Tyson, Lisa Berger, Jenny Goodrich, Kim Willey, Patricia Rubaleava, Dama Noll-Hjert, Sonya Noll, J.J. Frees and Mandy Johnson make up this championship team; and

WHEREAS, may the success achieved on the soccer field by the team members, with special note to the seniors, extend into their educational and career goals;

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, do hereby proclaim March 17, 1989, as

State Girls' Soccer Day

in the State of Washington, and I urge all citizens to join in this observance.

Signed, this 17th day of March, 1989,
Booth Gardner, Governor.

Representative Cantwell spoke in favor of the proclamation.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2215 by Representatives Holland, H. Sommers, Schoon, Peery, Brough, Cole, Beirozoff, Ebersole, Miller, Rasmussen, Prince, Hine, Hankins, G. Fisher, Ferguson, Rayburn, May, Jacobsen, Ballard, Dorn, Beck, Bristow, Walker, Braddock, Moyer, Fraser, S. Wilson, Morris, Pruitt, Brekke, Cantwell, Leonard, Locke, Heavey, Rust, Valle, Spanel, Phillips, Dellwo and Prentice

AN ACT Relating to a dedicated revenue source for financing public school and higher education construction; amending RCW 82.08.0293 and 82.12.0293; adding a new section to chapter 82.32 RCW; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committees on Education/Capital Facilities & Financing.

2SSB 5065 by Committee on Ways & Means (originally sponsored by Senators Craswell, Smith, Stratton and Bailey)

Creating a citizen review board system for cases involving substitute care of children.

Referred to Committee on Human Services.

SSB 5127 by Committee on Governmental Operations (originally sponsored by Senator McCaslin)

Eliminating boundary review boards.

Referred to Committee on Local Government.

2SSB 5145 by Committee on Ways & Means (originally sponsored by Senators Smith, Niemi, Johnson, Kreidler, West and Moore)

Licensing adult family homes.

Referred to Committee on Health Care.

SSB 5166 by Committee on Law & Justice (originally sponsored by Senators Pullen, Talmadge, Rasmussen, Vognild, Newhouse and Bauer; by request of Public Disclosure Commission)

Regulating political gifts and public office funds.

Referred to Committee on State Government.

SB 5167 by Senators Pullen, Talmadge, Rasmussen, Newhouse and Vognild; by request of Public Disclosure Commission

Revising campaign finance reporting.

Referred to Committee on State Government.

2SSB 5177 by Committee on Ways & Means (originally sponsored by Senators Barr, Conner, Patterson, Metcalf, McMullen, Sellar, Benitz, Vognild, Anderson, West, Bauer, Warnke and Kreidler)

Establishing the rural health system project.

Referred to Committee on Health Care.

SSB 5214 by Committee on Children & Family Services (originally sponsored by Senator Smith)

Mandating abuse and neglect reporting.

Referred to Committee on Human Services.

SB 5231 by Senators Pullen, Madsen and Metcalf

Defining "antique firearms."

Referred to Committee on Judiciary.

SB 5309 by Senators Bailey, Rinehart, Murray, Anderson, Gaspard, Barr, Bender, Lee and Fleming

Regarding changing first and second class school districts to large and small school districts.

Referred to Committee on Education.

ESSB 5314 by Committee on Education (originally sponsored by Senators Bailey, Craswell, Thorsness, Lee, Anderson, Nelson, Benitz, Bauer, Rasmussen and Smith)

Prohibiting persons convicted of sex crimes or other crimes affecting children from working in the public schools.

Referred to Committee on Education.

- SSB 5430 by Committee on Ways & Means (originally sponsored by Senator Kreidler)
Adding provisions regarding the state retirement systems.
Referred to Committee on Appropriations.
- ESSB 5499 by Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Rasmussen, Sellar, Moore, Newhouse, Lee and Johnson)
Requiring motor vehicle liability insurance.
Referred to Committee on Financial Institutions & Insurance.
- SSB 5525 by Committee on Children & Family Services (originally sponsored by Senators Craswell, Owen, Smith, Stratton and Amondson)
Regarding foster care.
Referred to Committee on Human Services.
- SB 5617 by Senator Fleming
Encouraging entering teaching as part of the mathematics, engineering, and science achievement program.
Referred to Committee on Higher Education.
- ESSB 5644 by Committee on Environment & Natural Resources (originally sponsored by Senators Bluechel, Bender, McDonald, Kreidler, Bailey, McMullen, Johnson, Niemi, Vognilid, Lee, Smitherman and West)
Transferring designated portions of the Milwaukee Road from the department of natural resources to the parks and recreation commission.
Referred to Committee on Natural Resources & Parks.
- SB 5699 by Senators Williams, Johnson, Moore, Amondson, Matson, Saling, Wojahn and McCaslin
Extending the historic property tax exemption.
Referred to Committee on Revenue.
- SSB 5723 by Committee on Governmental Operations (originally sponsored by Senators McCaslin and Kreidler; by request of Secretary of State)
Revising procedures for ballot titles and summaries.
Referred to Committee on State Government.
- SB 5737 by Senators Bailey, Rinehart, Lee, Fleming, Smitherman, Bender, Metcalf and Murray; by request of Superintendent of Public Instruction
Providing for annual leave for employees of educational service districts.
Referred to Committee on Education.
- SB 5797 by Senators Pullen, Bender, von Reichbauer and Amondson
Clarifying when a city or county may modify the building code.
Referred to Committee on Housing.
- ESB 5809 by Senator Amondson
Regarding shopping center directional signs.
Referred to Committee on Transportation.
- ESB 5842 by Senators Lee, Murray, Cantu, Niemi and Craswell
Excluding certain institutions from the boarding home definition.
Referred to Committee on Housing.

ESB 5871 by Senators Lee and Benitz

Regarding wine retailer's licenses.

Referred to Committee on Commerce & Labor.

SB 5895 by Senators Barr, Hansen, Benitz, Patterson and Bauer

Permitting farm vehicles licensed on a monthly basis to purchase trip permits.

Referred to Committee on Transportation.

ESSB 5905 by Committee on Energy & Utilities (originally sponsored by Senators Benitz, Bender, Amondson, Smitherman, Owen and Anderson)

Modifying building code council authority.

Referred to Committee on Housing.

ESSB 5911 by Committee on Ways & Means (originally sponsored by Senators Amondson, Stratton, Hayner, Owen, McDonald, Newhouse, Anderson, Matson, Johnson, Smith, Lee, Bailey, Cantu, Thorsness, Patterson, Benitz, Nelson, Saling, Sellar, Craswell, Barr, McCaslin, Conner, Rasmussen, DeJarnatt and Bauer)

Providing for the sale of state timber.

Referred to Committee on Natural Resources & Parks.

ESSB 5917 by Committee on Environment & Natural Resources (originally sponsored by Senators Sellar, Vognild, Matson, Benitz, Bauer, Hansen, Barr, Stratton and Newhouse)

Empowering the water quality authority to adopt goals for water and sediment quality set forth in the plan.

Referred to Committee on Environmental Affairs.

ESSB 5931 by Committee on Governmental Operations (originally sponsored by Senators von Reichbauer, Gaspard, McCaslin and McMullen)

Creating an amateur athletics commission.

Referred to Committee on State Government.

ESSB 6033 by Committee on Energy & Utilities (originally sponsored by Senators Benitz and Stratton)

Terminating the powers and duties of the nuclear waste board and the nuclear waste advisory board.

Referred to Committee on Energy & Utilities.

SB 6034 by Senators Benitz, Williams and Hayner

Requiring the energy office to provide the energy facility site evaluation council with assistance, space, and support.

Referred to Committee on Energy & Utilities.

ESB 6045 by Senators Smith, Hayner, Amondson, Rasmussen, Anderson, Nelson, Owen, Thorsness, Craswell, Metcalf, McDonald, West and Barr

Reforming campaign finance and reporting provisions.

Referred to Committee on State Government.

ESB 6076 by Senators Thorsness, Murray, Barr, Stratton, Metcalf, Saling, McCaslin, Madsen, Warnke, Anderson, Amondson and West

Creating motorcycle public awareness program.

Referred to Committee on Transportation.

SSJM 8014 by Committee on Environment & Natural Resources (originally sponsored by Senators Benitz, Metcalf, Moore, Barr and Vognild)

Promoting the decommercialization of steelhead trout, elk, and deer.

Referred to Committee on Fisheries & Wildlife.

SSJR 8207 by Committee on Financial Institutions & Insurance (originally sponsored by Senators West and Stratton)

Immunity for members of Washington guarantee association.

Referred to Committee on Financial Institutions & Insurance.

MOTION

On motion of Mr. Heavey, the bills, memorial and resolution listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 16, 1989

SB 5030 Prime Sponsor, Senator Pullen: Clarifying language relating to writs of certiorari. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott and Tate.

Absent: Representatives Brough, Locke, D. Sommers and Wineberry.

Passed to Committee on Rules for second reading.

March 16, 1989

SB 5079 Prime Sponsor, Senator Pullen: Discussing variable interest rates in relation to the uniform commercial code. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott and Tate.

Absent: Representatives Brough, Locke, D. Sommers and Wineberry.

Passed to Committee on Rules for second reading.

March 16, 1989

SB 5277 Prime Sponsor, Senator McCaslin,: Extending the period for fire district service charges. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Horn, Wolfe and Zellinsky.

Absent: Representatives Ferguson, Ranking Republican Member; and Todd.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Heavey, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

MOTIONS

On motion of Mr. Ebersole, Substitute Senate Bill No. 5108 was referred from Committee on Human Services to Committee on Judiciary.

On motion of Mr. Ebersole, Senate Bill No. 5174 was referred from Committee on Capital Facilities & Financing to Committee on Energy & Utilities.

On motion of Mr. Ebersole, Substitute Senate Bill No. 5266 was referred from Committee on Higher Education to Committee on Education.

On motion of Mr. Ebersole, Substitute Senate Bill No. 5285 was referred from Committee on Financial Institutions & Insurance to Committee on Judiciary.

On motion of Mr. Ebersole, Senate Bill No. 5374 was referred from Committee on Environmental Affairs to Committee on Capital Facilities & Financing.

On motion of Mr. Ebersole, Engrossed Senate Bill No. 5824 was referred from Committee on Health Care to Committee on Financial Institutions & Insurance.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 89-4632, by Representatives Rayburn and Baugher

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Grandview High School Boys' Basketball Team has shown great character and athletic ability in winning the 1989 Washington State A Boys Basketball championship; and

WHEREAS, The members of the team, their coaches, families and supporters have sacrificed to achieve that success this past Saturday after many months of hard work and dedication; and

WHEREAS, The Greyhounds established an all-time tournament record by scoring 336 points in four games, surpassing the previous tournament record held for 21 years; and

WHEREAS, Grandview's premier point guard Rolando Garcia was selected as the tournament's Most Valuable Player for his sterling performance throughout the games; and

WHEREAS, Joey Warmenhoven and Rolando Garcia were selected to the All-tournament Team for consistently outstanding performances;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives is honored to recognize the exceptional athletic accomplishments of the Grandview Greyhounds; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives send copies of this Resolution to Coach Mike Schuette and to the Principal of Grandview High School, Mr. Gary Sansom.

On motion of Ms. Rayburn, House Floor Resolution No. 89-4632 was adopted.

HOUSE FLOOR RESOLUTION NO. 89-4633, by Representatives Rayburn and Baugher

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Prosser High School Girls' Basketball Team has shown great character and athletic ability in winning the 1989 Washington State A Girls' Basketball championship; and

WHEREAS, The members of the team, their coaches, families and supporters have sacrificed to achieve success this past Saturday after many months of hard work and dedication; and

WHEREAS, The Mustangs' first-ever championship was won because of a strong team effort, as well as outstanding individual performances; and

WHEREAS, Prosser's premier all-around athlete, Kelly Blair, was selected the tournament's Most Valuable Player for her sterling performance throughout the games; and

WHEREAS, The success achieved on the basketball court by the team members, with special note to the seniors, will be extended throughout their future educational and career endeavors;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives is honored to recognize the exceptional athletic accomplishments of the Prosser Mustangs; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives send copies of this Resolution to Coach Mark Little and to the Principal of Prosser High School, Mr. Don Young.

On motion of Ms. Rayburn, House Floor Resolution No. 89-4633 was adopted.

The Speaker (Ms. Hine presiding) declared the House to be at ease until 10:00 a.m.

The Speaker (Ms. Hine presiding) called the House to order at 10:00 a.m.

JOHN L. O'BRIEN RECOGNITION

Presiding: Representative Lorraine A. Hine
Democratic Caucus Chair

The Speaker (Ms. Hine presiding): At this time the House will interrupt its regular business to pay tribute to long-time and dearly loved member and associate, John L. O'Brien.

INVOCATION

by
Fr. Joe Maguire, S.J.

Fr. Maguire: It seems only fitting that today we address our prayer not only to God, our Loving Father, but also ask for the intercession of the great Saint Patrick, His most faithful missionary to the mystical country of Ireland, on this his Feast Day.

On this special day we celebrate fifty years of dedicated public service by John L. O'Brien to the people of this great state, and also his never-failing allegiance to his God and Father through all of these years. The State of Washington and all of the people of this area are so much richer today for the prudence, wisdom, understanding and enlightened guidance of this great man in many different areas. It is indeed right and just that this magnificent building, known until now as the House Office Building, will, from now and for generations to come, be known as the John L. O'Brien Building.

So, dear Father and Saint Patrick, look down upon John, his lovely wife Mary, his family and friends, all his fellow workers, and bless them and their work. Bless all who will labor in this building for years to come for the good of this state, and may the example and spirit of John L. O'Brien forever be a beacon to them. We ask this in the name of the Lord. Amen.

St. Patrick's Anthem Fr. Brian Hart
Chaplain, Submarine Base Bangor

PROCLAMATION BY THE GOVERNOR

WHEREAS, John L. O'Brien is serving his twenty-fifth term in the Washington State House of Representatives, the longest tenure of anyone in Washington state history; and

WHEREAS, during his distinguished legislative career, Representative O'Brien served four consecutive terms as Speaker of the House of Representatives, also a record; and

WHEREAS, Representative O'Brien has served on all of the major legislative committees, many interim committees and other distinguished legislative bodies; and

WHEREAS, Representative O'Brien knows more about the members of the Legislature and the creation of state law than most of us will ever learn and, therefore, has some great stories to tell; and

WHEREAS, some of his past and present colleagues probably wish he would, in fact, forget certain details of the past; and

WHEREAS, his compatriots in the House of Representatives have chosen St. Patrick's Day to honor a most responsible consumer of the beverage that we closely identify with his ancestral homeland of Ireland; and

WHEREAS, in all seriousness, John L. O'Brien will be remembered by all future Washingtonians as the namesake for the House Office Building in Olympia, which will be known from this day forward as the John L. O'Brien House Office Building;

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, do hereby proclaim March 17, 1989, as

John L. O'Brien
Recognition Day

in the State of Washington, and I urge all citizens to give a tip o' the cap to Representative John L. O'Brien. Johnny, we're glad to know you.

(Seal)

Signed, this 17th day of March, 1989
Booth Gardner, Governor.

Governor Gardner: I am very happy to be here today to be a part of a celebration for a person, who is a friend, not only of ours, but of people throughout the state, particularly in his own district, where he is revered for the contributions he has made to the State of Washington, and also for the many friends and contributions he has made to his community.

Pipes and Dance Winnie and Carrie Gray and Peter Rolsted

PRESENTATION OF GIFT
BY
SECRETARY OF STATE

Secretary of State Munro: John, we want to present to you an official Irish centennial product, made in Spokane. It's called MacAroni--some are orange and some are green and they are all in the shape of Washington State. We hope you enjoy that--perhaps for dinner tonight. We also want to loan you our shillelagh. We know that times get tough here on the Speaker's platform, so we thought you could use a good shillelagh for this day. Thank you.

LETTER
FROM
PRESIDENT GEORGE BUSH

The Speaker (Ms. Hine presiding) invited Representative Ballard to the rostrum.

Mr. Ballard: It is my pleasure today to share a special letter to a very special person. With your permission I would like to read the letter:

The White House
March 15, 1989

The Honorable John L. O'Brien
Speaker Pro Tempore
House of Representatives
State of Washington
Olympia, Washington

Dear Mr. Speaker:

I am pleased to extend my warm congratulations on the fiftieth anniversary of your first election to the Washington State House of Representatives, especially as your beloved Evergreen State celebrates its centennial.

This is a proud and historical moment for you, your constituents and colleagues, because rarely in the history of our country has a person served his fellow citizens with such distinction for so many years. During a tenure spanning ten Presidents, from Franklin Roosevelt to my own, you have witnessed and been a participant in some of the great events of our century. Your legislative skill and able handling of each of the major House leadership posts have won you the everlasting esteem of your colleagues on both sides of the aisle. And your constituents--they just keep electing you.

Mr. Speaker, you are an inspiration to all who serve this great country. Barbara and the entire Bush family join me in sending best wishes.

Sincerely,
George Bush

PRESENTATION OF CERTIFICATE OF APPRECIATION
BY
NATIONAL CONFERENCE OF STATE LEGISLATURES

The Speaker (Ms. Hine presiding) invited Mr. Karl Kurtz, Executive Director of State Services, National Conference of State Legislatures, to the rostrum.

Mr. Kurtz: All of John's constituents and all of you in the House of Representatives and, I trust, in the Senate know John extremely well. Your love and affection for him is apparent here today.

I am here, though, to tell you that legislators all around the country know, love, revere and honor John O'Brien. He has had a long and distinguished career of activities in interstate organizations. In 1968 he was President of the National Conference of State Legislative Leaders, one of the predecessor organizations of today's NCSL. I think you are all aware of the yeoman duty that he did as Co-Chair of NCSL's 1985 Annual Meeting in Seattle.

What many of you may not be aware of, though, is that, as of January 1989, John O'Brien became an answer to a national legislative trivia question--one we get asked all the time--namely, who is the longest serving legislator in the United States? As of January, with the retirement of a State Senator in Montana who was elected the same year as John and had two more years of service, the answer to that question became John O'Brien. So, John, I think that makes you, among the 7,462 legislators in the United States, number one.

On behalf of NCSL, I would like to present this certificate of appreciation:

Congratulations and sincere appreciation
to

Speaker Pro Tempore John L. O'Brien
for his years of dedication to the legislative process
and service to the National Conference of State Legislatures and President of the
National Conference of State Legislative Leaders

Signed,
Sammy Nunez, Senate President Pro Tempore, Louisiana
President, NCSL

William T. Pound
Executive Director, NCSL

Irish Jig John P. Sullivan
When Irish Eyes Are Smiling Russ Davis and Gary Grant
Oh, Johnny Oh

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4639, by Representatives Locke, Prince, Ebersole, Hine, Valle, Ballard, Anderson, Appelwick, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen,

Heavey, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Van Luven, Vekich, Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, Members of the House of Representatives have honored many citizens throughout the past one hundred years, including constituents and friends; and

WHEREAS, The wives and husbands of legislators have been absent from those that have been recognized and honored; and

WHEREAS, The wives and husbands of legislators often have been the closest friends and confidants, providing assurance and encouragement; and

WHEREAS, One great lady has been in this position for more years than any other person, including all the years of her married life; and

WHEREAS, During this Centennial year it is fitting and proper to recognize her as representative of all legislators' spouses, past and present;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives designate Mary O'Brien, wife of Speaker Pro Tempore John L. O'Brien, and mother of Laureen, John Jr., Mary Ann, Karen, Jeannie and Paul O'Brien as Honorary First Lady of the Washington State House of Representatives; and

BE IT FURTHER RESOLVED, That Honorary First Lady Mary O'Brien be recognized as a symbol of all wives and husbands who unselfishly give of their patience, charm, encouragement, love, laughter, tears and dedication to the people of the State of Washington; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives present copies of this Resolution to Mary O'Brien and to the O'Brien children, Laureen, John Jr., Mary Ann, Karen, Jeannie and Paul as a reminder of the many contributions that Mary has made to Washington State as the wife and helpmate of John L. O'Brien.

Mr. Locke moved adoption of the resolution.

Mr. Locke: Madame Speaker and members of the body: It has been a true delight for me, over the last several years, to have worked with Speaker O'Brien, and more importantly, Mary O'Brien.

As many of you know, Speaker O'Brien had a tough reelection campaign this past summer, and, quite frankly, many of us in the district, in the community, and in these chambers were very much in fear of losing John O'Brien, because it was one on one with a very credible and very well-financed opponent. We were trying to get John O'Brien to change his method of campaigning, the type of brochures he had, and to even go out and doorbell—a very foreign thought to Representative O'Brien. It was Mary O'Brien who prevailed and supported many of us in the community in throwing out all of John O'Brien's past methods of campaign brochure designs and even the colors. John wanted to use the old blue and white, and we said, "Forget that." We used modern colors and modern graphics, and that is because of Mary O'Brien. We had many a campaign meeting in their house, and Mary O'Brien was the perfect hostess as well as the instigator, behind the scenes, of some of our shenanigans. She has been a prime force not only in his campaign and as his helpmate through their thirty-seven years of marriage, but she has been the gracious hostess and organizer of many events for Democratic campaigns and Democratic fundraisers for all of the people of the State of Washington. She is a truly outstanding person; she changes with the times and is truly a modern lady. I urge your support for this resolution.

Mr. Prince: Madame Speaker, ladies and gentlemen of the body: It is an honor to have the opportunity to second this resolution. This resolution honoring you, Mary, brings honor, not only to you, but to all our spouses. More importantly, I think it honors us all, because at long last we, as a body, and society, as a whole, are starting to give recognition to those who make it possible for us to be here—our spouses. Without you, what we accomplish would not happen. And most of us

would not be here without a supporting spouse. I think this chamber can take pride in the fact that, at the same time we honor a very proper lady, we at long last recognize the people who make this all happen—our spouses. Thank you.

Mr. Day: Madame Speaker and members of the body: Rising as a member of a political family and a family that also had a Speaker, my father, I truly understand how much support and dedication it takes from a family, and especially a spouse, to survive this process and what goes on around here. My folks ended in a divorce after my father served as Speaker. That woman up there lasted four terms; that really means something, especially to me. During all the receptions and all the late nights stuffing, stamping and sealing, there was someone operating and that was Mary O'Brien. There is a foundation for the institution of John O'Brien. And that is Mary O'Brien. Hats off to you, Mary.

House Floor Resolution No. 89-4639 was adopted.

Mrs. O'Brien: Thank you. You people are great. Thank you very much.

Danny Boy Fr. Joe Maguire, S.J.

The Speaker assumed the Chair.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4638, by Representatives Ebersole, Heavey, Prince, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, No other individual has served the House of Representatives with such distinction, dedication and devotion as the Honorable John L. O'Brien; and

WHEREAS, The distinguished Representative John L. O'Brien has served with distinction in the Washington State House of Representatives since 1939, longer than any other person in history; and

WHEREAS, During the course of his illustrious career, John L. O'Brien has served with dignity and poise on every major committee in the House of Representatives and has shown great leadership and skill while serving four terms as Speaker of the House of Representatives and, since 1973, as Speaker Pro Tempore; and

WHEREAS, John L. O'Brien's legislative service encompasses over sixty percent of all the legislative session days held during the entire history of this state; and

WHEREAS, John L. O'Brien is recognized by this body as one of the few in this state's history to possess extensive knowledge and understanding of the processes of state government and of parliamentary procedure; and

WHEREAS, Representative O'Brien successfully graduated from O'Dea High School and the Western Institute of Professional Accounting and serves with an exemplary record as a Certified Public Accountant; and

WHEREAS, John L. O'Brien is one of few citizens of this great state to receive the Public Service Award presented by the Washington Society of Certified Public Accountants; and

WHEREAS, The venerable Representative O'Brien is an integral part of the Washington State community, immersing himself in activities such as the colorful and highly acclaimed Rainier District Pow Wow, the Knights of Columbus and the Rainier Chamber of Commerce; and

WHEREAS, John L. O'Brien will forever be remembered for his extensive and inspiring record of service by the members and staff of the Washington State House of Representatives; and

WHEREAS, In the 1988 session, the House of Representatives again honored its longest-serving member by establishing the John L. O'Brien Postgraduate Legislative Fellowship Program; and

WHEREAS, The Washington State House of Representatives wishes to assure that the name, John L. O'Brien, never be forgotten;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State House of Representatives, That the Director of General Administration is hereby directed to rename the building, currently referred to as the House Office Building, the John L. O'Brien Building; and

BE IT FURTHER RESOLVED, That all appropriate House of Representatives stationery reflect the name change as soon as it is economically possible; and

BE IT FURTHER RESOLVED, That this Resolution be forwarded to the Honorable John L. O'Brien, Speaker Pro Tempore; the Honorable Booth Gardner, Governor of the State of Washington; and Wendy Holden, Director of the Department of General Administration.

Mr. Ebersole moved adoption of the resolution.

Mr. Ebersole: Mr. Speaker, it is with a great deal of admiration and affection that I rise to offer this resolution. This is an historic day. John O'Brien, John L. O'Brien, Representative O'Brien, Speaker O'Brien, Monsignor O'Brien, Father O'Brien has been around a long time. He has accomplished much. When John was first appointed to the House in 1939, there was no House Office Building. Members did not have offices; members had desks on the floor of the House and worked from their desks. The building that is now HOB was not built until 1940, and the Legislature did not get its hands on the building until 1967.

But John endured without an office and he rose to the top. John was elected Speaker four consecutive times and Speaker Pro Tempore seven or eight times. John has served, as you have heard, in one legislative body longer than anyone in the history of the country, and John has accomplished much. He has been a champion of the arts. He has stood up for the disadvantaged.

It is right and proper today, on St. Patrick's Day, that we have this historic occasion. St. Patrick's Day began in the Seventh Century without John O'Brien present. John was not alive in the Seventh Century. It is hard to imagine a St. Patrick's Day without John present. John is a good Irish Catholic boy. He has the quick wit of an Irishman and the quick temper of an Irishman, especially when he detects a double cross, but let it be noted that the O'Brien Port Merger Bill did pass the House, as have hundreds of other bills over the decades.

John has many friends here today in the galleries; John has friends in high places everywhere—in Olympia, Seattle and Rome. Tread lightly; tread lightly when approaching issues that John holds dear. Your bill may not go through; your divorce may not go through; your marriage may not go through.

A few years ago the Senate Office Building was renamed the John Cherberg Building. Now, today, and for all time, we will have two magnificent buildings across the way, standing side by side, silent reminders of two magnificent gentlemen who stood together as the two giants of the Washington State Legislature.

Ladies and gentlemen, join with me in endorsing this resolution, naming the House Office Building the John L. O'Brien Building.

Mr. Ballard: Mr. Speaker, ladies and gentlemen: I will take just a moment to join our colleagues on the other side in honoring an individual who, I can say with all sincerity, has turned out to be a dear friend and a trusted person with whom to work. He is a person who has helped many of us. He is a person of fairness. I think back to the first year that I was in the Legislature as a freshman when Speaker O'Brien told us the rules and regulations and how to get bills passed and things like that. The only thing I have to say is that I am not sure that he told us all the tricks; I think he held some of those back. In fact, there have been times, after he told us how the system worked, that we had to question some of his rulings as they weren't always the same as what he had told us that first day--the prerogative of the Speaker.

It is a unique individual who can go through a system such as this, with ninety-eight different individuals from all walks of life, as a true friend--one who

has served Washington well and one we are all proud of. I would like to join the Majority Leader in saying that we heartily endorse this resolution. Thank you.

Mr. Heavey: Mr. Speaker, fellow members, distinguished guests, ladies and gentlemen: The Irish people are the most passionate on earth. Who else would stand in line to kiss a rock? We are here to honor a man we all know very well and, what the heck, we are going to honor him anyway. When I was growing up in Seattle—I also came from a political family—John O'Brien was a legend and a role model for me. In 1954, when he and his twin brother took Seattle U to the final four in basketball, we were so proud of him.

There are many, many facets to this man, John L. O'Brien. Physically, his sartorial splendor is only matched by his bearing and stature when he walks, stands and speaks. Mentally, he is quick of mind and astute. He does not want to know what the issue is; he transcends that and wants to know who is for it and who is against it. Emotionally, he is quick of temper, but that temper is quick to subside—fortunately, for me. When he smiles and chuckles with that twinkle in his eye, we all know where the song, "When Irish Eyes Are Smiling," comes from. He has a spiritual side, too. He has studied the great questions of the universe that have perplexed philosophers and theologians over the centuries. For example, he wonders why the word "abbreviated" is so long; he wonders what they pack styrofoam in when they ship it—thoughts that perplex us all.

After today the HOB will be the John L. O'Brien Building. Buildings are quick to assume nicknames. The Senate Office Building has quickly become the Cherberg Building and, every once in awhile, the JAC Building. This will probably be the O'Brien Building very quickly; it could be the JOB; it could be the job; it could be the Job. Many of you know the Biblical story of Job. God made a bet with the devil that whatever happened to Job, Job would stay faithful. They took Job's family; they took his property; he became diseased; he was covered with boils and they put him on an anthill. He still remained faithful. Let's face it, the House of Representatives is sometimes not an easy place to live. Some say House members need two tickets to go to the zoo—one to get in and one to get out. I have often called this place the ant farm, because we are down here, little ants running around and getting on top of each other and piling on top of each other. And no one is really watching us. We think everybody is watching us, but everyone else is living their lives. I submit to you that a man, who can sit on this ant farm for fifty years, surely has the patience and is as faithful as Job. So, if a nickname comes, I hope that the nickname will be the Job Building.

Today, March 17, St. Patrick's Day, John L. O'Brien makes all of us who are Irish proud to be Irish. The opening line in the resolution speaks for itself. "Whereas, No other individual has served the House of Representatives with such distinction, dedication and devotion as the Honorable John L. O'Brien." John O'Brien is a rare political leader. Throughout his life he has shown himself to be a man who did not shrink from the struggles and difficulties that face our state. He has seen the unemployed and helped them to obtain work. He has seen the physically disabled and helped to provide them with training. He has seen the homeless and provided them with housing. It is, therefore, fitting and proper that John O'Brien, who has contributed so much to so many, be honored in this way. In the final analysis, the problems that we face in this state, as a community and nation, cannot be overcome by one party, sex, race, or age. Only by working together can we overcome these concerns.

John O'Brien knows this. He has taught us about faith, human intelligence, human will and human decency. We know that in the long run, with God's help, these are the forces which bring us together and improve the quality of life for all citizens. I have a great deal of affection for this man and I am very proud to know that he is a friend of mine. It is a great honor to commend this resolution to you and to the body. Thank you.

Mr. Patrick: Mr. Speaker and ladies and gentlemen of the House: I really appreciate the comments from the other speakers in reference to John O'Brien. John, as you well know, I am Irish like you. I certainly have the same kind of temper that you have. When I was a youngster, I was raised in John O'Brien's district. My parents were staunch Democrats and still are. The neighborhood I lived in,

John, was entirely Italian with the exception of one Irish family, and that was us. We were the "potato heads"—I am sure John remembers that term very well. Those were fighting words to an Irishman, and I can tell you that I was in many a fight, most of which I won. Unfortunately, I had a bad habit of leading with my nose, and I broke my nose seven times. I learned something from you, John, and that is the art of compromise. I married one of those Italian beauties from that neighborhood. We don't fight anymore, but our kids do. In my home John O'Brien was second to God, and I mean a very close second. I think it was a little much when my parents asked us to genuflect when your name was mentioned in our home.

John, you are a good Irishman; you are everything an Irishman stands for. You have a hot temper; you are a passionate person; you are a good Catholic; you have sired a large family. All the children in my family became Republicans, and I think my parents believe that we somehow blasphemed you. We still have very high regard for you, John O'Brien. Even though you are a Democrat and I am a Republican, I have always admired the fact that you have stood up for your principles and you have always maintained the Democrat line and that is extremely healthy.

I don't think all of you know that John is the son of a police officer, who died in the line of duty in the City of Seattle. John has been one of the best friends of law enforcement officers in this state ever. I think that I speak on behalf of all police officers in the state in honoring you today and in the respect that we show you. John, you have blessed us over the years and may God bless you for the remainder of your life. Thank you.

Mr. Basich: I am not Irish; I am southern European. There is some discussion that St. Patrick may have been a Roman who came to Ireland. I didn't know about this and presented the problem to Speaker O'Brien. I said, "What about St. Patrick? Did he come from Rome or Ireland?" He said, "Representative Basich, I can assure you that St. Patrick is one hundred percent Irish." So that is what he told me. I notice some people are wearing "Kiss me; I'm Irish" buttons today. I just wish he would nod if I can wear "Kiss me; I'm Croatian." As a newcomer, I just want to say that you are a fine gentleman, a top legislator, and a great host for all our St. Patrick's Day celebrations. Thank you. Thanks to your wife and your great family. Thank you very much.

Mr. Locke: I also urge the members of the body to support the resolution. I think it is important that we recognize, while John O'Brien is certainly an institution among us and we remember him very fondly given all the different encounters we have had with him over the years—good and bad—and have seen his temper and his wit, that quite frankly he is an institution even within his own district. He had a tough race this past primary election, but he won it with outstanding fashion and got a resounding sixty-one percent of the vote, by using about ten mailings in the last ten days, a variety of colors and themes, and even pulling out one picture of himself and his entire family after his father was killed. It was a reprint from an old Seattle newspaper back in about 1923 or so. The district has changed over the years, and John has changed as well. While his story and his contributions have not always been well told to the district, the district now firmly supports John O'Brien, is aware of his contributions to the state and to that district and, as a result of that, gave him an overwhelming show of support in the last primary election. He has never had a problem in the general election because we are somewhat solidly Democratic as many of you on the other side of the aisle have learned over the years, when you have put up some rather crazy characters against us. Truly, John is not only beloved here in these chambers and in the Olympia area, but he is very much beloved in his own district. I urge your support. Thank you.

The Speaker called on Speaker Pro Tempore O'Brien to preside.

The Speaker Pro Tempore recognized The Honorable Joseph E. King, Speaker of the House of Representatives.

The Speaker: Thank you, Mr. Speaker. Members of the body and distinguished guests who are with us today: The proceedings of this body are guided by Reed's Rules, a parliamentary manual we seldom have to read because Speaker O'Brien frequently quotes to us from it.

Reed's Rule 40 states that a presiding officer, in this body that is the Speaker of the House, rarely takes the floor, but Reed's also acknowledges that the occupant of the Chair may properly do so on great occasions. The Rule concludes, and I quote, "of these occasions he [Reed's is not gender neutral, I regret to say] must be the sole judge, having in view all considerations." Well, having in view all considerations, I judge this to be, under Reed's Rule 40, a great occasion. Therefore, I feel authorized to take the floor to offer a summation of this splendid program.

It is this: That all we have been about here this morning constitutes a proper tribute to a great legislator and a fitting acknowledgement of appreciation and friendship to which I wish to add my own thanks to you, John, and to Mary and to the family. From all of us associated with the Washington State House of Representatives, our best wishes and very warmest regards.

The Speaker resumed the Chair.

House Floor Resolution No. 89-4638 was adopted.

Speaker Pro Tempore O'Brien: Mr. Speaker, ladies and gentlemen of the House: This occasion is beyond my wildest dreams. I never thought that I would have this great honor and these tributes paid to me. I have had a thousand experiences in this House of Representatives in every shape and form, but this experience is probably the greatest that I have ever had.

To live and be part of this institution is hard to describe. You are associated with such great people. My friends in the rear of the Chamber can tell you some of the things that have happened in my legislative career. For example, the first time I was elected as Speaker of the House, the vote was fifty to forty-nine. The vote was very tight, and the person who was nominated for Speaker from the other side was going to vote for himself, so I had to vote for myself. One of our legislators from Spokane County had been in an accident in the mountains on Snoqualmie Pass and ended up in the hospital. We brought in this legislator in a wheelchair to vote for me. Another time the same year, on the same occasion for the same purpose, we brought in a legislator from Everett in an ambulance. For four hours he lay flat on his back while we were determining who was going to be the Speaker nominee. All of these things are part of my history. The four-day filibusters. One night I hit the gavel and this block on the rostrum flew up. Another night I went into the Speaker's office to call the State Patrol, because the legislators were terribly upset with me. One of the legislators, who weighed about two hundred and eighty pounds, a former basketball star from Stanford University, came into the office and I felt that I was home free. Some of these experiences, of course, bring back great memories. One in particular happened when I first came here as a young person. I seconded the nomination for the Speaker of the House at that time. A lady from Spokane, one of the legislators who sat in back of me, said, "Memorize your speech and look at that far corner and give it." I did, and it was an honor to be able to second the nomination for the person who became Speaker of that session.

God has been very good to me to give me the opportunity to be associated with some of the finest people in the world. Being part of this institution for so long, where everything pivots in the State of Washington, seems to me to be an indelible experience which I have been fortunate to have. To be associated with so many people here, so many people in my district, my family, my wife and kids. Many times we have been through some tough struggles. We have had our peaks and valleys. We have a tremendous number of friends who are involved with us. It is something that I cherish very deeply.

The fact that I am able to be associated with such very fine people here is something that means a great deal to me. I think that all of you who share this, from time to time, are involved in fraternalism that you don't find anywhere else--our close relationship, the fact that we are able to give and take, and that sometimes we have to make tough decisions that affect friends on both sides of the issue.

In closing, I want to thank each and every one of you, the staff, and my secretary, Mary Walker—who didn't tell me very much about this at all—for this wonderful occasion, because it is something that will live in my memory forever. Thank you very much.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced that the dedication of the John L. O'Brien Building would take place at noon at the Sun Dial and would be followed by a reception to which everyone was invited.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Monday, March 20, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SEVENTY-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Monday, March 20, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Dellwo, Doty, Miller, Walker, Wineberry and Youngsman. On motion of Mr. D. Sommers, Representatives Doty, Miller, Walker and Youngsman were excused. On motion of Mr. Heavey, Representatives Appelwick, Dellwo and Wineberry were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Denie Inman and Amy McLean. Prayer was offered by Dr. Carl Pfeil, Minister of the Emmanuel Baptist Church of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**CENTENNIAL MESSAGE
FROM THE WASHINGTON STATE HISTORICAL SOCIETY**

March 20, 1989

On this day in 1889, the Puyallup Indian Tribe voted against selling some of its reservation land to a railroad (41 years, 73 days). Chief Tommy Lane argued against the sale, saying "If we sell this land, our waterfront is gone, and ... other companies will buy up other parts until nothing is left of our reservation ... O, my people, keep a fast hold on the remains of the once vast country you owned." And Robert O. Lee, the first black man to be admitted to the practice of law in Washington Territory, was admitted to the bar. He came from Springfield, Illinois, where he was a practicing lawyer before the Illinois Supreme Court.

On March 20, 1926 the completion of the Loop Road made Lake Quinault a tourist mecca, and on March 20, 1961 the Governor signed legislation defining community colleges and setting their basic rules.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

There being no objection, the House advanced to the eighth order of business.

MOTION

Mr. Ebersole moved that Committee on Rules be relieved of Substitute House Bill No. 1635 and the bill be placed on the second reading calendar. The motion was carried.

MOTION

Mr. Ballard moved that Committee on Judiciary be relieved of Engrossed Substitute Senate Bill No. 5186 and Engrossed Substitute Senate Joint Resolution No. 8202 and the bills be placed on the second reading calendar.

Mr. Ballard spoke in favor of the motion.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Mr. Ebersole spoke against the motion, and Ms. Brough spoke in favor of it.

ROLL CALL

The Clerk called the roll on the motion by Representative Ballard to relieve Committee on Judiciary of Engrossed Substitute Senate Bill No. 5186 and Engrossed

Substitute Senate Joint Resolution No. 8202 and place the bills on the second reading calendar, and the motion was not carried by the following vote: Yeas, 31; nays, 60; excused, 7.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Ferguson, Fuhrman, Hankins, Holland, Horn, May, McLean, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, Sommers D. Tate, Van Luven, Wilson S, Winsley, Wolfe, Wood - 31.

Voting nay: Representatives Anderson, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raifer, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Zellinsky, and Mr. Speaker - 60.

Excused: Representatives Appelwick, Dellwo, Doty, Miller, Walker, Wineberry, Youngsman - 7.

MOTIONS

On motion of Mr. Ebersole, Substitute Senate Bill No. 5450 was referred from Committee on Education to Committee on Higher Education.

On motion of Mr. Ebersole, Senate Bill No. 5615 was referred from Committee on Education to Committee on Higher Education.

On motion of Mr. Ebersole, Engrossed Senate Bill No. 5715 was referred from Committee on Judiciary to Committee on Commerce & Labor.

On motion of Mr. Ebersole, Engrossed Substitute Senate Bill No. 5838 was referred from Committee on Judiciary to Committee on Agriculture & Rural Development.

On motion of Mr. Ebersole, Engrossed Senate Bill No. 5842 was referred from Committee on Housing to Committee on Health Care.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1635, by Committee on Judiciary (originally sponsored by Representatives Brough, Appelwick and G. Fisher; by request of Department of Social and Health Services)

Making changes to support enforcement provisions.

The House resumed consideration of Substitute House Bill No. 1635 on second reading. (See Journal, 66th Day, March 15, 1989, and 68th Day, March 17, 1989, for previous action.)

The Speaker stated the question before the House to be the adoption of the amendment by Representatives Morris, Belcher, Cole, Braddock and Vekich.

Ms. Morris again spoke in favor of adoption of the amendment, and Mr. Crane again opposed it. Representatives Hargrove and Padden spoke against the amendment, and Representatives Belcher, Inslee and Cole spoke in favor of it.

Mr. Prince demanded the previous question, and the demand was sustained.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 51; Nays - 38. The amendment was adopted.

The Clerk read the following amendment by Representative P. King:

On page 9, line 27, after "lien" strike everything through "property" on line 34 and insert "against earnings shall attach and be effective subject to service requirements of RCW 74.20A-.070 upon filing with the county auditor of the county in which the employer does business or maintains an office or agent for the purpose of doing business"

With consent of the House, Representative P. King withdrew the amendment.

Ms. Brough moved adoption of the following amendment:

On page 9, line 27, after "located," strike everything through "property" on line 34 and insert "(A lien against earnings shall attach and be effective subject to service requirements of RCW 74.20A-.070 upon filing with the county auditor of the county in which the employer does business or maintains an office or agent for the purpose of doing business.) A lien filed by the department on or after the effective date of this section shall have a priority over any other lien filed on or after the effective date of this section, except for a lien to enforce a child support

collection action issued pursuant to chapter 28.18, 26.23, or 74.20A RCW, a mechanic's or materialman's lien on real property, or a preexisting mortgage, deed of trust, or security interest using real property as collateral."

Representatives Brough and Sprengle spoke in favor of adoption of the amendment, and Representatives Crane, Heavey, Zellinsky and Padden spoke against it. Ms. Brough again spoke in favor of the amendment.

The Speaker stated the question before the House to be adoption of the amendment by Ms. Brough to Substitute House Bill No. 1635.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 29; Nays -60. The amendment was not adopted.

Mr. Padden moved adoption of the following amendments by Representatives Appelwick and Padden:

On page 28, line 33, strike "(((+)))" and insert "(1)"

On page 29, after line 8, strike all material through "~~403(b)(1)~~" on line 33 and insert:

"(2) The right of a person to a pension, annuity, or retirement allowance or disability allowance, or death benefits, or any optional benefit, or any other right accrued or accruing to any citizen of the state of Washington under any employee benefit plan, and any fund created by such a plan or arrangement, shall be exempt from execution, attachment, or seizure by or under any legal process whatever(~~(-PROVIDED-That)~~). This subsection shall not apply to child support collection actions issued under chapter 26.18, 26.23, or 74.20A Rcw if otherwise permitted by federal law. This subsection shall permit benefits under any such plan or arrangement to be payable to a spouse, former spouse, child, or other dependent of a participant in such plan to the extent expressly provided for in a qualified domestic relations order (as such term is defined in section 206(d) of the federal employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1056(d) or in section 401(a)(13) of the internal revenue code of 1954, as amended.)

(3) For the purposes of this section, the term 'employee benefit plan' means any plan or arrangement that is subject to the provisions of the federal employee retirement income security act of 1974, as amended, 29 U.S.C. Secs. 1001 through 1461 or that is described in sections 401(a), 403(a), 403(b), 408, or 409 (as in effect before January 1, 1984) of the internal revenue code of 1954, as amended, or both(~~(-PROVIDED-That)~~). The term 'employee benefit plan' shall not include any employee benefit plan that is excluded from the application of the federal employee retirement income security act of 1974, as amended, pursuant to section 4(b)(1) of that act, 29 U.S.C. Sec. 1003(b)(1)."

Representatives Padden and Crane spoke in favor of adoption of the amendments, and they were adopted.

Ms. Bowman moved adoption of the following amendments by Representatives Bowman, Schmidt and McLean:

On page 36, line 34, strike Sec. 31.

On page 51, line 23, after "26.23.100;" strike material through "26.26.131" and insert the following:

"(3) Section 16, chapter 275, Laws of 1988 and Rcw 26.26.131; and

(4) Section 4, chapter 435, Laws of 1987 and RCW 26.23.040"

Representatives Bowman, Padden and Schmidt spoke in favor of adoption of the amendments, and Representatives Crane and Brough spoke against them.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Representatives McLean and Heavey spoke in favor of the amendments, and Representatives Sayan and Pruitt spoke against them. Ms. Bowman again spoke in favor of the amendments.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative Bowman and others to Substitute House Bill No. 1635, and the amendments were adopted by the following vote: Yeas, 48; nays, 43; excused, 7.

Voting yea: Representatives Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Bristow, Brooks, Brumstick, Cantwell, Chandler, Cooper, Day, Ferguson, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Horn, Jesernig, King P, Kremen, May, McLean, Moyer, Nealey, O'Brien, Padden, Patrick, Prince, Raiter, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Wilson S, Winsley, Wolle, Wood, Zellinsky - 48.

Voting nay: Representatives Anderson, Belcher, Braddock, Brekke, Brough, Cole, Crane, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Hine, Inslee, Jacobsen, Jones, King R, Leonard, Locke,

Meyers R, Morris, Myers H, Nelson, Nutley, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, and Mr. Speaker - 43.

Excused: Representatives Appelwick, Dellwo, Doty, Miller, Walker, Wineberry, Youngsman - 7.

With consent of the House, the following amendments to the title were adopted:

On page 1, line 6 of the title, after "74.20A.120," strike "26.23.040"

On page 1, line 8 of the title, after "74.20A.030," strike everything through "26.09 RCW;" on line 9

On page 1, line 10 of the title, after "26.23.100," strike "and 26.26.131" and insert "26.26.131, and 26.23.040"

The bill was ordered engrossed. On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Crane and Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1635, and the bill passed the House by the following vote: Yeas, 86; nays, 4; absent, 1; excused, 7.

Voting yea: Representatives Anderson, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Baugher, Brooks, Fuhrman, Padden - 4.

Absent: Representative Silver - 1.

Excused: Representatives Appelwick, Dellwo, Doty, Miller, Walker, Wineberry, Youngsman - 7.

Engrossed Substitute House Bill No. 1635, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENTS FOR THE JOURNAL

I was a "Yes" on the final passage of Engrossed Substitute House Bill No. 1635.

JEAN SILVER, 5th District.

I meant to be a "Yes" vote on Engrossed Substitute House Bill No. 1635.

PETER T. BROOKS, 16th District.

The Speaker called on Mr. O'Brien to preside.

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 17, 1989

SB 5042 Prime Sponsor, Senator West: Providing for unilateral implementation of certain public sector collective bargaining agreements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, Leonard, Prentice, Smith and Wolfe.

Absent: Representatives Jones, R. King, O'Brien, Walker and Wolfe.

Passed to Committee on Rules for second reading.

March 17, 1989

ESSB 5088 Prime Sponsor, Committee on Energy & Utilities: Regulating telemarketing. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Cooper, Jesernig, May, R. Meyers, H. Myers and S. Wilson.

Voting nay: Representative Gallagher.

Absent: Representatives Todd, Vice Chair; Brooks, Jacobsen and Miller.

Passed to Committee on Rules for second reading.

March 16, 1989

ESSB 5097 Prime Sponsor, Committee on Governmental Operations: Regarding the state militia. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; Hankins, Morris, O'Brien, Rector and Sayan.

Absent: Representatives McLean, Ranking Republican Member; R. King and Silver.

Passed to Committee on Rules for second reading.

March 16, 1989

SSB 5099. Prime Sponsor, Committee on Governmental Operations: Revising provisions for suspension without pay of a state patrol officer. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; Hankins, Morris, O'Brien, Rector and Sayan.

Absent: Representatives McLean, Ranking Republican Member; R. King and Silver.

Passed to Committee on Rules for second reading.

March 16, 1989

SSB 5168 Prime Sponsor, Committee on Governmental Operations: Authorizing the state library commission to move the western library network to private nonprofit status. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; Hankins, Morris, O'Brien, Rector and Sayan.

Absent: Representatives McLean, Ranking Republican Member; R. King and Silver.

Referred to Committee on Appropriations.

March 16, 1989

SSB 5191 Prime Sponsor, Committee on Law & Justice: Standardizing application of good-time credit statutes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 9.92 RCW to read as follows:

The sentence of a prisoner confined in a county jail facility for a felony, gross misdemeanor, or misdemeanor conviction may be reduced by earned release credits in accordance with procedures that shall be developed and promulgated by the facility. The earned early release time shall be for good behavior and good performance as determined by the facility. In no case may the aggregate earned early release time exceed one-third of the total sentence.

Sec. 2. Section 15, chapter 137, Laws of 1981 as last amended by section 1, chapter 3, Laws of 1988 and by section 3, chapter 153, Laws of 1988 and RCW 9.94A.150 are each reenacted and amended to read as follows:

No person serving a sentence imposed pursuant to this chapter shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except for persons convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, the terms of the sentence of an offender committed to a county jail facility, or a correctional facility operated by the department, may be reduced by earned early release time in accordance with procedures that shall be developed and promulgated by the

((department)) correctional facility in which the offender is confined. The earned early release time shall be for good behavior and good performance, as determined by the ((department)) correctional facility. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department of corrections, the county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned early release time. In no case shall the aggregate earned early release time exceed one-third the total sentence. Persons convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW may become eligible for community custody in lieu of earned early release time in accordance with the program developed by the department;

(2) When a person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW is eligible for transfer to community custody status in lieu of earned early release time pursuant to subsection (1) of this section, as computed by the department of corrections, the offender shall be transferred to community custody.

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(5) No more than the final six months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing him or herself in the community;

(6) The governor may pardon any offender;

(7) The department of corrections may release an offender from confinement any time within ten days before a release date calculated under this section; and

(8) An offender may leave a correctional facility prior to completion of his sentence if the sentence has been reduced as provided in RCW 9.94A.160.

Sec. 3. Section 17, chapter 232, Laws of 1979 ex. sess. as last amended by section 1, chapter 298, Laws of 1985 and RCW 70.48.210 are each amended to read as follows:

(1) All cities and counties are authorized to establish and maintain farms, camps, and work release programs and facilities, as well as special detention facilities. The facilities shall meet the requirements of chapter 70.48 RCW and any rules adopted thereunder.

(2) Farms and camps may be established either inside or outside the territorial limits of a city or county. A sentence of confinement in a city or county jail may include placement in a farm or camp. Unless directed otherwise by court order, the chief law enforcement officer or department of corrections, may transfer the prisoner to a farm or camp. The sentencing court, chief law enforcement officer, or department of corrections may not transfer to a farm or camp a greater number of prisoners than can be furnished with constructive employment and can be reasonably accommodated.

(3) The city or county may establish a city or county work release program and housing facilities for the prisoners in the program. In such regard, factors such as employment conditions and the condition of jail facilities should be considered. When a work release program is established the following provisions apply:

(a) A person convicted of a felony and placed in a city or county jail is eligible for the work release program. A person sentenced to a city or county jail is eligible for the work release program. The program may be used as a condition of probation for a criminal offense. Good conduct is a condition of participation in the program.

(b) The court may permit a person who is currently, regularly employed to continue his or her employment. The chief law enforcement officer or department of corrections shall make all necessary arrangements if possible. The court may authorize the person to seek suitable employment and may authorize the chief law enforcement officer or department of corrections to make reasonable efforts to find suitable employment for the person. A person participating in the work release program may not work in an establishment where there is a labor dispute.

(c) The work release prisoner shall be confined in a work release facility or jail unless authorized to be absent from the facility for program-related purposes, unless the court directs otherwise.

(d) Each work release prisoner's earnings may be collected by the chief law enforcement officer or a designee. The chief law enforcement officer or a designee may deduct from the earnings moneys for the payments for the prisoner's board, personal expenses inside and outside the jail, a share of the administrative expenses of this section, court-ordered victim compensation, and court-ordered restitution. Support payments for the prisoner's dependents, if

any, shall be made as directed by the court. With the prisoner's consent, the remaining funds may be used to pay the prisoner's preexisting debts. Any remaining balance shall be returned to the prisoner.

(e) ~~((With court approval))~~ The prisoner's sentence may be reduced by ~~((one-third if the prisoner's conduct, diligence, and general attitude merit the reduction))~~ earned early release time in accordance with procedures that shall be developed and promulgated by the work release facility. The earned early release time shall be for good behavior and good performance as determined by the facility. In no case may the aggregate earned early release time exceed one-third of the total sentence.

(f) If the work release prisoner violates the conditions of custody or employment, the prisoner shall be returned to the sentencing court. The sentencing court may require the prisoner to spend the remainder of the sentence in actual confinement and may cancel any earned reduction of the sentence.

(4) A special detention facility may be operated by a noncorrectional agency or by non-correctional personnel by contract with the governing unit. The employees shall meet the standards of training and education established by the criminal justice training commission as authorized by RCW 43.101.080. The special detention facility may use combinations of features including, but not limited to, low-security or honor prisoner status, work farm, work release, community review, prisoner facility maintenance and food preparation, training programs, or alcohol or drug rehabilitation programs. Special detention facilities may establish a reasonable fee schedule to cover the cost of facility housing and programs. The schedule shall be on a sliding basis that reflects the person's ability to pay.

NEW SECTION, Sec. 4. Section 1, chapter 99, Laws of 1937, section 1, chapter 276, Laws of 1983, section 1, chapter 209, Laws of 1984 and RCW 9.92.150 are each repealed.

NEW SECTION, Sec. 5. A new section is added to chapter 9.92 RCW to read as follows:
This act applies only to sentences imposed for crimes committed on or after July 1, 1989."

On page 1, line 2 of the title, after "statutes;" strike the remainder of the title and insert "amending RCW 70.48.210; reenacting and amending RCW 9.94A.150; adding new sections to chapter 9.92 RCW; and repealing RCW 9.92.150."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Belcher, Dellwo, Hargrove, Inslee, P. King, R. Meyers, H. Myers and Scott.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Ranking Republican Member; Moyer, Patrick, Schmidt and Tate.

Absent: Representatives Brough, Locke, D. Sommers and Wineberry.

Passed to Committee on Rules for second reading.

March 16, 1989

SSB 5234 Prime Sponsor, Committee on Law & Justice: Revising provisions for the criminal identification system. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 486, Laws of 1987 and RCW 43.43.830 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.43.830 through 43.43.840.

(1) 'Applicant' means either:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons during the course of his or her employment or involvement with the business or organization. However, for school districts and educational service districts, prospective employee includes only noncertificated personnel; or

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age or developmentally disabled persons during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, or (iii) developmentally disabled persons.

(2) 'Business or organization' means a business or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, or provides recreation to developmentally disabled persons or children under sixteen years of age, including school districts and educational service districts.

(3) 'Civil adjudication' means a specific court finding of sexual abuse or exploitation or physical abuse in a dependency action under RCW 13.34.030(2)(b) or in a domestic relations action under Title 26 RCW. It does not include administrative proceedings. The term 'civil adjudication' is further limited to court findings that identify as the perpetrator of the abuse a

named individual, over the age of eighteen years, who was a party to the dependency or dissolution proceeding in which the finding was made and who contested the allegation of abuse or exploitation.

(4) 'Conviction record' means ((~~criminal history~~)) 'conviction record' information as defined in RCW 10.97.030(3) relating to a crime against children or other persons committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(5) 'Disciplinary board final decision' means any final decision issued by the disciplinary board or the director of the department of licensing for the following business or professions:

- (a) Chiropractic;
- (b) Dentistry;
- (c) Dental hygiene;
- (d) Drugless healing;
- (e) Massage;
- (f) Midwifery;
- (g) Osteopathy;
- (h) Physical therapy;
- (i) Physicians;
- (j) Practical nursing;
- (k) Registered nursing;
- (l) Psychology; and
- (m) Real estate brokers and salesmen.

(6) 'Crime against children or other persons' means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnapping; first, second, or third degree assault; first, second, or third degree rape; first, second, or third degree statutory rape; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; malicious harassment; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; first or second degree rape of a child; patronizing a juvenile prostitute; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; or any of these crimes as they may be renamed in the future.

(7) 'Unsupervised' means not in the presence of:

(a) Another employee or volunteer from the same business or organization as the applicant; or

(b) Any relative or guardian of any of the children or developmentally disabled persons to which the applicant has access during the course of his or her employment or involvement with the business or organization.

Sec. 2. Section 2, chapter 486, Laws of 1987 and RCW 43.43.832 are each amended to read as follows:

(1) The legislature finds that businesses and organizations providing services to children or developmentally disabled persons need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol criminal identification system may disclose, upon the request of a business or organization as defined in RCW 43.43-.830, a prospective employee's record for convictions of offenses against children or other persons, adjudications of child abuse in a civil action, and disciplinary board final decisions and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision. When necessary, applicants may be employed on a conditional basis pending completion of such a background investigation.

(2) The legislature also finds that the state board of education may request of the Washington state patrol criminal identification system information regarding a certificate applicant's record for convictions under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child and adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the department of social and health services, when considering persons for state positions directly responsible for the care, supervision, or treatment of children or the developmentally disabled or when licensing or authorizing such persons or agencies pursuant to its authority under chapter 74.15 RCW, must consider the information listed in subsection (1) of this section. However, when necessary, persons may be

employed on a conditional basis pending completion of the background investigation. The state personnel board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

Sec. 3. Section 3, chapter 486, Laws of 1987 and RCW 43.43.834 are each amended to read as follows:

(1) A business or organization shall not make an inquiry to the Washington state patrol under RCW 43.43.832 or an equivalent inquiry to a federal law enforcement agency unless the business or organization has notified the applicant who has been offered a position as an employee or volunteer that an inquiry may be made.

(2) A business or organization shall require each applicant to disclose to the business or organization whether the applicant has been:

(a) Convicted of any crime against children or other persons;

(b) Found in any dependency action under RCW 13.34.030(2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor;

(c) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor; or

(d) Found in any disciplinary board final decision to have sexually abused or exploited any minor or to have physically abused any minor.

The disclosure shall be made in writing and signed by the applicant and sworn under penalty of perjury. The disclosure sheet shall specify all crimes against children or other persons as defined in RCW 43.43.830.

(3) The business or organization shall pay such reasonable fee for the records check as the state patrol may require under RCW 43.43.838.

(4) The business or organization shall notify the applicant of the state patrol's response within ten days after receipt by the business or organization. The employer shall provide a copy of the response to the applicant and shall notify the applicant of such availability.

(5) The business or organization shall use this record only in making the initial employment or engagement decision. Further dissemination or use of the record is prohibited. A business or organization violating this subsection is subject to a civil action for damages.

(6) An insurance company shall not require a business or organization to request background information on any employee before issuing a policy of insurance.

(7) The business and organization shall be immune from civil liability for failure to request background information on a prospective employee or volunteer unless the failure to do so constitutes gross negligence.

Sec. 4. Section 5, chapter 486, Laws of 1987 and RCW 43.43.838 are each amended to read as follows:

(1) After January 1, 1988, and notwithstanding any provision of RCW 43.43.700 through 43.43.810 to the contrary, the state patrol shall furnish a transcript of the conviction record, disciplinary board final decision and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision, or civil adjudication record pertaining to any person for whom the state patrol or the federal bureau of investigation has a record upon the written request of:

(a) The subject of the inquiry;

(b) Any business or organization for the purpose of conducting evaluations under RCW 43.43.832;

(c) The department of social and health services;

(d) Any law enforcement agency, prosecuting authority, or the office of the attorney general; or

(e) The department of social and health services for the purpose of meeting responsibilities set forth in chapter 74.15 RCW. However, access to conviction records pursuant to this subsection (1)(e) does not limit or restrict the ability of the department to obtain additional information regarding conviction records and pending charges as set forth in RCW 74.15.030(2)(b).

After processing the request, if the conviction record, disciplinary board final decision and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision, or adjudication record shows no evidence of a crime against children or other persons, an identification declaring the showing of no evidence shall be issued to the applicant by the state patrol and shall be issued within fourteen working days of the request. Possession of such identification shall satisfy future background check requirements for the applicant for a two-year period.

(2) The state patrol shall by rule establish fees for disseminating records under this section to recipients identified in subsection (1)(a) and (b) of this section. The state patrol shall also by rule establish fees for disseminating records in the custody of the national crime information center. The fees shall cover, as nearly as practicable, the direct and indirect costs to the state patrol of disseminating the records: PROVIDED, That no fee shall be charged to a nonprofit organization, including school districts and educational service districts, for the records check.

(3) No employee of the state, employee of a business or organization, or the business or organization is liable for defamation, invasion of privacy, negligence, or any other claim in

connection with any lawful dissemination of information under RCW 43.43.830 through 43.43.840 or RCW 43.43.760.

(4) Before July 26, 1987, the state patrol shall adopt rules and forms to implement this section and to provide for security and privacy of information disseminated under this section, giving first priority to the criminal justice requirements of this chapter. The rules may include requirements for users, audits of users, and other procedures to prevent use of civil adjudication record information or criminal history record information inconsistent with this chapter.

(5) Nothing in RCW 43.43.830 through 43.43.840 shall authorize an employer to make an inquiry not specifically authorized by this chapter, or be construed to affect the policy of the state declared in chapter 9.96A RCW.

Sec. 5, Section 6, chapter 486, Laws of 1987 and RCW 43.43.840 are each amended to read as follows:

(1) The supreme court shall by rule require the courts of the state to notify the state patrol of any dependency action under RCW 13.34.030(2)(b) or domestic relations action under Title 26 RCW in which the court makes specific findings of physical abuse or sexual abuse or exploitation of a child.

(2) The department of licensing shall notify the state patrol of any disciplinary board final decision that includes specific findings of physical abuse or sexual abuse or exploitation of a child.

(3) When a business or an organization terminates, fires, dismisses, fails to renew the contract, or permits the resignation of an employee because of crimes against children or other persons, and if that employee is employed in a position requiring a certificate or license issued by a licensing agency such as the state board of education, the business or organization shall notify the licensing agency of such termination of employment."

On page 1, line 1 of the title, after "information," strike the remainder of the title and insert "and amending RCW 43.43.830, 43.43.832, 43.43.834, 43.43.838, and 43.43.840."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott and Tate.

Absent: Representatives Brough, Locke and Wineberry.

Passed to Committee on Rules for second reading.

March 17, 1989

SSB 5263 Prime Sponsor, Committee on Economic Development & Labor: Providing for arbitration for unilaterally implemented proposals. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, Leonard, Prentice, Smith and Wolfe.

Absent: Representatives Jones, R. King, O'Brien and Walker.

Passed to Committee on Rules for second reading.

March 16, 1989

SB 5456 Prime Sponsor, Senator von Reichbauer: Exempting certain financial and commercial information from public disclosure. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; Hankins, Morris, O'Brien, Rector and Sayan.

Absent: Representatives McLean, Ranking Republican Member; R. King and Silver.

Passed to Committee on Rules for second reading.

March 17, 1989

SSB 5561 Prime Sponsor, Committee on Environment & Natural Resources: Assisting fin fish culture facilities. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Cole and Spanel.

Absent: Representatives Brooks, Haugen, Smith and Vekich.

Passed to Committee on Rules for second reading.

March 17, 1989

SSB 5681 Prime Sponsor, Committee on Economic Development & Labor: Reenacting and amending provisions for asbestos projects. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, Leonard, Prentice, Smith and Wolfe.

Absent: Representatives Jones, R. King, O'Brien, Walker and Wolfe.

Referred to Committee on Appropriations.

MOTION

On motion of Mr. Ebersole, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

POINT OF PERSONAL PRIVILEGE

Mr. Baugher: Thank you, Mr. Speaker. Having spent ten hours on the seat of a tractor this weekend, as a member of a declining industry and one of the few real farmers in the Legislature, I would like to call attention to National Ag Day, March 20, 1989. We in America spend three hundred and eighty billion dollars a year eating at home and one hundred and fifty billion dollars eating in restaurants and other commercial eating establishments, which employ six million people. So, if you eat, you are a part of agriculture.

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Wednesday, March 22, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SEVENTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 22, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Basich, Braddock, P. King and Miller. Representatives Basich and Miller were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Amy Silbernagel and Cary Knight. Prayer was offered by Dr. Carl Pfeil, Minister of the Emmanuel Baptist Church of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE
FROM THE WASHINGTON STATE HISTORICAL SOCIETY

March 22, 1989

On this day in 1889, businessman Miles C. Moore was surprised when he arrived at his office and found friends congratulating him; it turned out that he had been named Governor of Washington Territory. And Ellensburg residents, hoping to move the state capital there, sang the area's praises: "Fair Ellen of Kittitas ... is Queen in a beautiful valley, who will, or should be, crowned with a capitol," especially since Ellensburg was twelve miles from the geographic center of the state.

On March 22, 1890 the Legislature established a school for training teachers--a normal school--at Cheney. It later became Eastern Washington University. The trustees of a private academy gave their land and buildings.

On March 22, 1943 construction of the plutonium plant at Hanford was started. It was built to make materials for the atomic bomb.

On this day in 1978 Sonora Smart Dodd (Mrs. John Bruce Dodd), organizer and promoter of the idea of Father's Day, died in Spokane. She proposed the holiday in 1910 and originated the first celebration in Spokane. Congress endorsed the holiday in 1914. In 1987, she was elected to the Washington State Historical Society's Centennial Hall of Honor.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2216 by Representatives Day, D. Sommers, Walk, Moyer, Schmidt, Rector, Wolfe, R. Fisher, Silver, Cooper, Prince, Dellwo and Fuhrman.

AN ACT Relating to the Spokane river toll bridge; amending RCW 47.56.711; creating new sections; repealing RCW 47.56.712, 47.56.713, 47.56.714, 47.56.715, and 47.56.716; making an appropriation; and providing a contingent effective date.

Referred to Committee on Transportation.

HJM 4020 by Representatives Inslee, Baugher, Rayburn, Doty, Ballard, Rust, Moyer, Nealey, Smith, Dorn, McLean and Jesernig

Encouraging apple consumption.

Referred to Committee on Agriculture & Rural Development.

The Speaker (Mr. O'Brien presiding) referred the bill and memorial listed on today's introduction sheet under the fourth order of business to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 20, 1989

SB 5054 Prime Sponsor, Senator Rinehart: Establishing the Washington state minority teacher recruitment program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle and K. Wilson.

Absent: Representative Walker.

Passed to Committee on Rules for second reading.

March 21, 1989

SSB 5196 Prime Sponsor, Committee on Agriculture: Regarding emergency drought relief. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. It is the intent of the legislature to provide emergency powers to the department of ecology to enable it to take actions, in a timely and expeditious manner, that are designed to alleviate hardships and reduce burdens on various water users and uses arising from drought conditions. As used in this chapter, 'drought condition' means that water supplies for a geographical area or for a significant portion of a geographical area are below seventy-five percent of normal and the water shortage is likely to create undue hardships for various water uses and users.

NEW SECTION, Sec. 2. (1) Whenever it appears to the department of ecology that a drought condition either exists or is forecast to occur within the state or portions thereof, the department of ecology is authorized to issue orders, pursuant to rules previously adopted, to implement the powers as set forth in sections 3 through 5 of this act. The department shall, immediately upon the issuance of an order under this section, cause said order to be published in newspapers of general circulation in the areas of the state to which the order relates. Prior to the issuance of an order, the department shall (a) consult with and obtain the views of the federal and state government entities identified in the drought contingency plan periodically revised by the department pursuant to section 3(4) of this act, and (b) obtain the written approval of the governor. Orders issued under this section shall be deemed orders for the purposes of chapter 34.05 RCW.

(2) Any order issued under subsection (1) of this section shall contain a termination date for the order. The termination date shall be not later than one calendar year from the date the order is issued. Although the department may, with the written approval of the governor, change the termination date by amending the order, no such amendment or series of amendments may have the effect of extending its termination to a date which is later than two calendar years after the issuance of the order.

(3) The provisions of subsection (2) of this section do not preclude the issuance of more than one order under subsection (1) of this section for different areas of the state or sequentially for the same area as the need arises for such an order or orders.

NEW SECTION, Sec. 3. Upon the issuance of an order under section 2 of this act, the department of ecology shall be empowered to:

(1) Authorize emergency withdrawal of public surface and ground waters, including dead storage within reservoirs, on a temporary basis and authorize associated physical works which may be either temporary or permanent. The termination date for the authority to make such an emergency withdrawal shall be not later than the termination date of the order issued under section 2 of this act under which the power to authorize the withdrawal is established. The department of ecology may issue such withdrawal authorization when, after investigation and after providing appropriate federal, state, and local governmental bodies an opportunity to comment, the following are found:

(a) The waters proposed for withdrawal are to be used in relation to beneficial use involving a previously established activity or purpose;

(b) The previously established activity or purpose was furnished water through rights applicable to the use of a public water body that cannot be exercised due to the lack of water arising from natural drought conditions; and

(c) The proposed withdrawal will not reduce flows or levels below essential minimums necessary (i) to assure the maintenance of fisheries requirements, and (ii) to protect federal and state interests including, among others, power generation, navigation, and existing water rights.

All withdrawal authorizations issued under this section shall contain provisions that allow for termination of withdrawals, in whole or in part, whenever withdrawals will conflict with flows and levels as provided in subsection (1)(c) of this section. Domestic and irrigation uses of public surface and ground waters shall be given priority in determining 'beneficial uses.' As to water withdrawal and associated works authorized under this section, the requirements of chapter 43.21C RCW and public bidding requirements as otherwise provided by law are waived and inapplicable. All state and local agencies with authority to issue permits or other authorizations for such works shall, to the extent possible, expedite the processing of the permits or authorizations in keeping with the emergency nature of the requests and shall provide a decision to the applicant within fifteen calendar days of the date of application. All state departments or other agencies having jurisdiction over state or other public lands if such lands are necessary to effectuate the withdrawal authorizations issued under this section, shall provide short-term easements or other appropriate property interest upon the payment of the fair market value: PROVIDED, That this mandate shall not apply to any lands of the state that are reserved for a special purpose or use that cannot properly be carried out if the property interest were conveyed.

(2) Approve the temporary change in purpose, place of use, or point of diversion, consistent with existing state policy allowing transfer or lease of waters between willing parties, as provided for in RCW 90.03.380, 90.03.390, and 90.44.100. However, that compliance with any requirements of (a) notice of newspaper publication of these sections or (b) the state environmental policy act, chapter 43.21C RCW, shall not be required when such changes are necessary to respond to drought conditions as determined by the department of ecology. An approval of a temporary change of a water right as authorized under this subsection shall not be admissible as evidence in either supporting or contesting the validity of water claims in STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY V. ACQUAVELLA, Yakima county superior court number 77-2-01484-5 or any similar proceeding where the existence of a water right is at issue.

(3) Employ additional persons for specified terms of time, consistent with the term of a drought condition, as are necessary to ensure the successful performance of the activities associated with implementing the emergency drought program of this chapter.

(4) Revise the drought contingency plan previously developed by the department; and

(5) Acquire needed emergency drought-related equipment.

NEW SECTION. Sec. 4. (1) The department of ecology is authorized to make loans, grants, or combinations of loans and grants from emergency agricultural water supply funds when required to provide water to alleviate emergency drought conditions to assure the survival of irrigated crops and the state's fisheries. For the purposes of this section, 'emergency agricultural water supply funds' means funds appropriated from the state emergency water projects revolving account created under RCW 43.83B.360. The department of ecology may make the loans, grants, or combinations of loans and grants as matching funds in any case where federal, local, or other funds have been made available on a matching basis. A loan or combination loan and grant shall not exceed fifty percent of the approved eligible project costs for any single proposed project: PROVIDED, That for purposes authorized by RCW 43.83B.300 and 43.83B.385, the department may make a loan up to ninety percent of the total eligible project cost or combination loan and grant up to one hundred percent of the total single project cost. The grant portion for any single project shall not exceed twenty percent of the total project cost except that, for activities forecast to have fifty percent or less of normal seasonal water supplies, the grant portion for any single project or entity shall not exceed forty percent of the total project cost. No single entity shall receive more than ten percent of the total emergency agricultural water supply funds available for drought relief. These funds shall not be used for non-agricultural drought relief purposes unless there are no other capital budget funds available for these purposes. The total expenditures of emergency agricultural water supply funds for nonagricultural drought relief purposes shall not exceed ten percent of the total of such funds available for drought relief purposes on March 15, 1988.

(2)(a) Except as provided in (b) of this subsection, emergency agricultural water supply funds, including the repayment of loans and any accrued interest, shall not be used for any purposes except during drought conditions as determined by section 2 of this act.

(b) Emergency agricultural water supply funds may be used on a one-time basis for the development of procedures to be used by state governmental entities to implement the state's drought contingency plan.

NEW SECTION. Sec. 5. The department shall adopt such rules as are necessary to ensure the successful implementation of this act.

NEW SECTION. Sec. 6. Nothing in this act shall:

(1) Authorize any interference whatsoever with existing water rights;

(2) Authorize the establishment of rights to withdrawal of waters of a permanent nature or of rights with any priority;

(3) Authorize the establishment of a water right under RCW 90.03.250 or 90.44.060;

(4) Preclude any person from filing an application pursuant to RCW 90.03.250 or 90.44.060.

Sec. 7. Section 3, chapter 295, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 46, Laws of 1988 and RCW 43.83B.210 are each amended to read as follows:

The department of ecology is authorized to make loans or grants or combinations thereof: (1) From funds under RCW 43.83B.010 through 43.83B.110 to eligible public bodies as defined in RCW 43.83B.050 for rehabilitation or betterment of agricultural water supply facilities, and/or construction of agricultural water supply facilities required to develop new irrigated lands; or (2) from emergency agricultural water supply funds under RCW 43.83B.300 when required to provide water to alleviate emergency drought conditions to assure the survival of irrigated crops and the state's fisheries. The department of ecology may make such loans or grants or combinations thereof as matching funds in any case where federal, local, or other funds have been made available on a matching basis. A loan or combination loan and grant shall not exceed fifty percent of the approved eligible project costs for any single proposed project: PROVIDED, That for purposes authorized by RCW 43.83B.300(~~-43.83B.310~~), section 3 of this act, and 43.83B.385 the department of ecology may make a loan up to ninety percent of the total eligible project cost or combination loan and grant up to one hundred percent of the total single project cost and the grant portion for any single project shall not exceed twenty percent of the total project cost except that, for activities forecast to have fifty percent or less of normal seasonal water supplies, the grant portion for any single project or entity shall not exceed forty percent of the total project cost. No single entity shall receive more than ten percent of the total funds available for drought relief. These funds shall not be used for nonagricultural drought relief purposes unless there are no other capital budget funds available for these purposes. The total expenditures for nonagricultural drought relief purposes shall not exceed ten percent of the total funds available for drought relief purposes on March 15, 1988. Any grant or grant portion of a combination loan and grant from funds under RCW 43.83B.010 through 43.83B.110 for any single proposed project shall not exceed fifteen percent of the eligible project costs: PROVIDED, That the fifteen percent limitation established herein shall not be applicable to project commitments which the director or deputy director of the state department of ecology made to the bureau of reclamation of the United States department of interior for providing state funding at thirty-five percent of project costs during the period between August 1, 1974, and June 30, 1975.

The department of social and health services is authorized to make grants of up to forty percent of the cost of construction of any eligible project necessitated by the 1977 drought conditions. Such grants may be made only to public bodies as defined in RCW 43.83B.050 for municipal and industrial water supply and distribution facilities.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.305;
- (2) Section 3, chapter 1, Laws of 1977 ex. sess., section 2, chapter 343, Laws of 1987, section 3, chapter 46, Laws of 1988 and RCW 43.83B.310;
- (3) Section 4, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.315;
- (4) Section 5, chapter 1, Laws of 1977 ex. sess., section 3, chapter 343, Laws of 1987, section 11, chapter 523, Laws of 1987 and RCW 43.83B.320;
- (5) Section 6, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.325;
- (6) Section 7, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.330;
- (7) Section 9, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.340;
- (8) Section 8, chapter 343, Laws of 1987, section 4, chapter 46, Laws of 1988 and RCW 43.83B.342; and
- (9) Section 9, chapter 343, Laws of 1987, section 5, chapter 46, Laws of 1988 and RCW 43.83B.344.

NEW SECTION. Sec. 9. Sections 1 through 6 of this act are each added to chapter 43.83B RCW.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "relief," strike the remainder of the title and insert "amending RCW 43.83B.210; adding new sections to chapter 43.83B RCW; repealing RCW 43.83B.305, 43.83B.310, 43.83B.315, 43.83B.320, 43.83B.325, 43.83B.330, 43.83B.340, 43.83B.342, and 43.83B.344; and declaring an emergency."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Doty, Grant, McLean, H. Myers, Rasmussen and Youngsman.

Absent: Representatives Kremen, Vice Chair; Chandler, Jesernig and Youngsman.

Passed to Committee on Rules for second reading.

March 21, 1989

SB 5250 Prime Sponsor, Senator Sutherland: Reclaiming land at surface mining sites. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Fuhrman, Hargrove, Raiter and Sayan.

Absent: Representative Sayan.

Passed to Committee on Rules for second reading.

March 21, 1989

SB 5668 Prime Sponsor, Senator Pullen: Providing for venue of juvenile proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers and Tate.

Absent: Representatives Moyer, D. Sommers and Wineberry.

Passed to Committee on Rules for second reading.

March 20, 1989

ESSB 5759 Prime Sponsor, Committee on Education: Establishing a school breakfast program. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The superintendent of public instruction is directed to conduct a study of school lunch programs to determine reasons why some schools are not currently participating in the national school lunch program. The report shall include an estimate of the number of students in each of these schools who would be eligible for free or reduced-price lunches if they were available. The superintendent of public instruction shall submit to the legislature prior to January 15, 1990, a report on the results of its study, including recommendations on ways of increasing school participation in the school lunch program.

NEW SECTION, Sec. 2. (1) For the purposes of this section:

(a) 'Free or reduced-price lunches' means lunches served by a school district that qualify for federal reimbursement as free or reduced-price lunches under the national school lunch program.

(b) 'School breakfast program' means a program meeting federal requirements defined in 42 U.S.C. Sec. 1773.

(c) 'Severe-need school' means a school that qualifies for a severe-need school reimbursement rate from federal funds for school breakfasts served to children from low-income families.

(2) School districts shall be required to develop and implement plans for a school breakfast program in severe-need schools, pursuant to the schedule in this section. For the second year prior to the implementation of the district's school breakfast program, and for each subsequent school year, each school district shall submit data enabling the superintendent of public instruction to determine which schools within the district will qualify as severe-need schools. In developing its plan, each school district shall consult with an advisory committee including school staff and community members appointed by the board of directors of the district.

(3) Using district-wide data on school lunch participation during the 1988-89 school year, the superintendent of public instruction shall adopt a schedule for implementation of school breakfast programs in severe-need schools as follows:

(a) School districts where at least forty percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1990. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1990-91 school year and in each school year thereafter.

(b) School districts where at least twenty-five but less than forty percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1991. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1991-92 school year and in each school year thereafter.

(c) School districts where less than twenty-five percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1992. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1992-93 school year and in each school year thereafter.

(d) School districts that did not offer a school lunch program in the 1988-89 school year are encouraged to implement such a program and to provide a school breakfast program in all severe-need schools when eligible.

(4) The requirements in this section shall lapse if the federal reimbursement rate for breakfasts served in severe-need schools is reduced or eliminated.

(5) Students who do not meet family-income criteria for free breakfasts shall be eligible to participate in the school breakfast programs established under this section, and school districts may charge for the breakfasts served to these students. School breakfast programs established under this section shall be supported entirely by federal funds and commodities, charges to students, and other local resources available for this purpose, and shall not create or imply any state funding obligation for these costs. The legislature does not intend to include these programs within the state's obligation for basic education funding under Article IX of the Constitution.

NEW SECTION, Sec. 3. The superintendent of public instruction shall conduct a study of the costs and feasibility of expanding the school breakfast program to include schools where more than twenty-five but less than forty percent of lunches served are free or reduced-price lunches. The study shall consider the total cost of the program, including but not limited to food costs, staff salaries and benefits, and additional pupil transportation costs. The superintendent of public instruction shall submit to the legislature prior to January 15, 1992, a report on the results of this study, including recommendations on whether to expand the school breakfast program to include these schools."

On page 1, line 1 of the title, after "program," strike the remainder of the title and insert "and creating new sections."

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Cole, Dorn, Holland, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Valle and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Betzoff, Ranking Republican Member; Brumsickle, Fuhrman and Horn.

Voting nay: Representatives Betzoff, Ranking Republican Member; Brumsickle, Fuhrman, Horn and Schoon.

Absent: Representative Walker.

Referred to Committee on Appropriations.

March 21, 1989

ESB 5871 Prime Sponsor, Senator Lee: Regarding wine retailer's licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 10, after "business" strike all material through "or delivery of" on line 11 and insert "solely engaged in the sale or sale and delivery of"

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, Prentice, Smith, Walker and Wolfe.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

March 21, 1989

SB 5983 Prime Sponsor, Senator Newhouse: Authorizing the superior court to retain for hearing water rights cases involving more than one thousand named defendants that would otherwise be referred to a referee. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Grant, McLean, H. Myers, Rasmussen and Youngsman.

Absent: Representatives Chandler and Jesernig.

Passed to Committee on Rules for second reading.

March 17, 1989

SJM 8002 Prime Sponsor, Senator Metcalf: Requesting a Western States Recycling Coalition. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprenkle and Van Luven.

Absent: Representatives D. Sommers, Ranking Republican Member; Phillips, Sprenkle and Walker.

Passed to Committee on Rules for second reading.

March 17, 1989

SJM 8006 Prime Sponsor, Senator Metcalf: Asking Congress to clarify federal law concerning oil spill remedies. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprenkle and Van Luven.

Absent: Representatives D. Sommers, Ranking Republican Member; Phillips and Walker.

Passed to Committee on Rules for second reading.

March 17, 1989

SJM 8011 Prime Sponsor, Senator Metcalf: Requesting that Congress continue to support federal and international greenhouse and sea level rise funding. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do Pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprenkle and Van Luven.

Absent: Representatives D. Sommers, Ranking Republican Member; Phillips and Walker.

Passed to Committee on Rules for second reading.

March 21, 1989

SJR 8200 Prime Sponsor, Senator Pullen: Amending the state Constitution to provide for rights of crime victims. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 3, after "At the" strike "next"

On page 1, line 3, after "state" insert "in 1990"

On page 1, line 17, after "legislature" strike "may" and insert "shall"

On page 1, following line 21, insert:

"BE IT FURTHER RESOLVED, That this joint resolution shall be void in its entirety and shall be of no further force and effect if, prior to May 1, 1990, the legislature has not enacted legislation defining significant judicial proceedings for the purposes of this proposed constitutional amendment; and"

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Brough, Dellwo, Hargrove, P. King, Locke, Moyer, H. Myers, Schmidt, Scott, D. Sommers and Tate.

MINORITY recommendation: Do not pass. Signed by Representative R. Meyers.

Voting nay: Representatives Belcher and R. Meyers.

Absent: Representatives D. Sommers and Wineberry.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Heavey, the bills, memorials and resolution listed on today's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4644, by Representatives Valle, Heavey, O'Brien, Locke, Leonard, Prentice, Wineberry and Sayan

WHEREAS, The Sealth High School basketball team won the State Class AA Championship; and

WHEREAS, The Class AA champions beat Lakeside High School with an over-time score of sixty-one to fifty-seven; and

WHEREAS, Coach Bruce Richardson guided his team to victory through countless hours of hard work throughout the basketball season; and

WHEREAS, This strong championship team was composed of: Mike Anderson, Jarren Cheha, Kyle Cribbs, Kalu Dennis, Kelin Flowers, Robert Gant, Mike Garrett, Tim Goodman, Chris Johnson, Granville Keys, Marcus Lollie, and Marcus Stubblefield; and

WHEREAS, The All-State team members are Tim Goodman and Marcus Stubblefield; and

WHEREAS, The METRO team members are Tim Goodman, Marcus Lollie and Marcus Stubblefield; and

WHEREAS, Although every member of the team exhibited great team work and spirit at the tournament, Jarren Cheha and Kalu Dennis deserve honorable mention;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of Washington State commend the Sealth High School basketball team and its coach for their final achievement of the season; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Sealth High School, each of the championship team members and their coach.

Ms. Valle moved adoption of the resolution. Representatives Valle, Heavey, Insee, Wineberry and Sayan spoke in favor of the resolution.

House Floor Resolution No. 89-4644 was adopted.

The Speaker assumed the Chair.

SPEAKER'S PRIVILEGE

The Speaker introduced the staff of the Legislative Tour Office, who act as liaisons between the members of the House of Representatives and the public.

The Speaker called on Mr. O'Brien to preside.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 21, 1989

ESSB 5018 Prime Sponsor, Committee on Agriculture: Revising provisions for cooperative associations. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. The legislature finds that since 1921 there have existed in the laws of this state two separate incorporation statutes expressly designed for corporations intending to operate as nonprofit cooperatives. The existence of two cooperative incorporation statutes has been the source of confusion, disparity of treatment, and legal and administrative ambiguities, and the rationale for having two cooperative incorporation statutes is no longer valid. These cooperative incorporation statutes have not been updated with the regularity of this state's business incorporation statutes and, as a result, are deficient in certain respects.

NEW SECTION, Sec. 2. A new section is added to chapter 23.86 RCW to read as follows:

The provisions of this chapter relating to domestic cooperative associations shall apply to:

(1) All cooperative associations organized under this chapter; and

(2) All agricultural cooperative associations organized under chapter 24.32 RCW. All such agricultural cooperatives are deemed to have been incorporated under this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 23.86 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Association' means any corporation subject to this chapter.

(2) 'Member' or 'members' includes a member or members of an association subject to this chapter without capital stock and a shareholder or shareholders of voting common stock in an association subject to this chapter with capital stock.

(3) 'Articles of incorporation' means the original or restated articles of incorporation, articles of consolidation, or articles of association and all amendments including articles of merger. Corporations incorporated under this chapter with articles of association shall not be required to amend the title or references to the term 'articles of association.'

(4) 'Director,' 'directors,' or 'board of directors' includes 'trustee,' 'trustees,' or 'board of trustees' respectively. Corporations incorporated under this chapter with references in their articles of association or bylaws to 'trustee,' 'trustees,' or 'board of trustees' shall not be required to amend the references.

Sec. 4. Section 1, chapter 19, Laws of 1913 and RCW 23.86.010 are each amended to read as follows:

Any number of persons(~~not less than five~~) may associate themselves together as a cooperative association, society, company or exchange, with or without capital stock, for the transaction of any lawful business on the cooperative plan. For the purposes of this chapter the words 'association,' 'company,' 'exchange,' 'society' or 'union' shall be construed the same.

Sec. 5. Section 17, chapter 19, Laws of 1913 as amended by section 706, chapter 212, Laws of 1987 and RCW 23.86.030 are each amended to read as follows:

(1) The name of any association subject to this chapter may contain the word 'corporation,' 'incorporated,' or 'limited' or an abbreviation of any such word.

(2) No corporation or association organized or doing business (~~for profit~~) in this state shall be entitled to use the term 'cooperative' as a part of its corporate or other business name or title, unless it (~~has complied with~~): (a) is subject to the provisions of this chapter, chapter 23.78, or 31.12 RCW; (~~and~~) (b) is subject to the provisions of chapter 24.06 RCW and operating on a cooperative basis; (c) is, on the effective date of this act, an organization lawfully using the term 'cooperative' as part of its corporate or other business name or title; or (d) is a nonprofit corporation or association the voting members of which are corporations or associations operating on a cooperative basis. Any corporation or association violating the provisions of this section may be enjoined from doing business under such name at the instance of any (~~stockholder~~) member or any association (~~legally organized hereunder~~) subject to this chapter.

(~~(2)~~) (3) A member of the board of (~~trustees~~) directors or an officer of any association (~~legally organized under~~) subject to this chapter shall have the same immunity from liability as is granted in RCW 4.24.264.

NEW SECTION. Sec. 6. A new section is added to chapter 23.86 RCW to read as follows:

Each association subject to this chapter shall have the following powers:

(1) To have perpetual succession by its corporate name unless a limited period of duration is stated in the articles of incorporation.

(2) To sue and be sued, complain, and defend in its corporate name.

(3) To have and use a corporate seal.

(4) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use, and deal in and with real or personal property or any interest therein, wherever situated.

(5) To sell, convey, mortgage, pledge, lease, exchange, transfer, or otherwise dispose of all or any part of its property and assets.

(6) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, use, and deal in and with shares or other interest in, or obligations of, other domestic or foreign corporations, associations, partnerships or individuals, or direct or indirect obligations of the United States or any other government, state, territory, governmental district or municipality, or any instrumentality thereof.

(7) To make contracts and incur liabilities, borrow money at rates of interest the association may determine, issue notes, bonds, certificates of indebtedness, and other obligations, receive funds from members and pay interest thereon, issue capital stock and certificates representing equity interests in assets, allocate earnings and losses at the times and in the manner the articles of incorporation or bylaws or other contract specify, create book credits, capital funds, and reserves, and secure obligations by mortgage or pledge of any of its property, franchises, and income.

(8) To lend money for corporate purposes, invest and reinvest funds, and take and hold real and personal property as security for the payment of funds loaned or invested.

(9) To conduct business, carry on operations, have offices, and exercise the powers granted by this chapter, within or without this state.

(10) To elect or appoint officers and agents of the corporation, define their duties, and fix their compensation.

(11) To make and alter bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for the administration and regulation of the affairs of the association.

(12) To make donations for the public welfare or for charitable, scientific, or educational purposes, and in time of war to make donations in aid of war activities.

(13) To pay pensions and establish pension plans, pension trusts, profit-sharing plans, stock bonus plans, stock option plans, and other incentive plans for any or all of its directors, officers, and employees.

(14) To be a partner, member, associate, or manager of any partnership, joint venture, trust, or other enterprise.

(15) To cease corporate activities and surrender its corporate franchise.

(16) To have and exercise all powers necessary or convenient to effect its purposes.

Sec. 7, Section 2, chapter 19, Laws of 1913 as last amended by section 704, chapter 212, Laws of 1987 and RCW 23.86.050 are each amended to read as follows:

Every association formed under this chapter after the effective date of this section shall prepare articles of ((association)) incorporation in writing, which shall set forth:

(1) The name of the association.

(2) The purpose for which it was formed which may include the transaction of any lawful business for which associations may be incorporated under this chapter. It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this chapter.

(3) Its principal place of business.

(4) The term for which it is to exist which may be perpetual or for a stated number of years.

(5) ((The amount of capital stock, the number of shares and the par value of each share.

((6)) If organized without capital stock, whether the property rights and interest of each member shall be equal or unequal; and if unequal, the articles shall set forth the general rules by which the property rights and interests of all members shall be determined and fixed. The association may admit new members who shall be entitled to share in the property of the association with old members in accordance with the general rules.

(6) If the association is to have capital stock:

(a) The aggregate number of shares which the association shall have authority to issue; if shares are to consist of one class only, the par value of each share, or a statement that all shares are without par value; or, if shares are to be divided into classes, the number of shares of each class, and a statement of the par value of the shares of each class or that shares are to be without par value;

(b) If the shares are to be divided into classes, the designation of each class and a statement of the preferences, limitations, and relative rights in respect to the shares of each class;

(c) If the association is to issue the shares of any preferred or special class in series, the designation of each series and a statement of the variations in the relative rights and preferences between series fixed in the articles of incorporation, and a statement of any authority vested in the board of directors to establish series and fix and determine the variations in the relative rights and preferences between series; and

(d) Any provision limiting or denying to members the preemptive right to acquire additional shares of the association.

(7) Provisions for distribution of assets on dissolution or final liquidation.

(8) Whether a dissenting member shall be limited to a return of less than the fair value of the member's equity interest in the association. A dissenting member may not be limited to a return of less than the consideration paid to or retained by the association for the equity interest unless the fair value is less than the consideration paid to or retained by the association.

(9) The address of its initial registered office, including street and number, and the name of its initial registered agent at the address.

(10) The number of directors constituting the initial board of directors and the names and addresses of the persons who are to serve as the initial directors.

(11) The name and address of each incorporator.

(12) Any provision, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the association, including provisions regarding:

(a) Eliminating or limiting the personal liability of a director to the association or its members for monetary damages for conduct as a director: PROVIDED, That such provision shall not eliminate or limit the liability of a director for acts or omissions that involve intentional misconduct by a director or a knowing violation of law by a director, or for any transaction from which the director will personally receive a benefit in money, property, or services to which the director is not legally entitled. No such provision may eliminate or limit the liability of a director for any act or omission occurring before the date when such provision becomes effective; and

(b) Any provision which under this ((title)) chapter is required or permitted to be set forth in the bylaws.

Associations organized under this chapter before the effective date of this act or under chapter 24.32 RCW shall not be required to amend their articles of association or articles of

incorporation to conform to this section unless the association is otherwise amending the articles of association or articles of incorporation.

The information specified in subsections (9) through (11) of this section may be deleted when filing amendments.

NEW SECTION. Sec. 8. A new section is added to chapter 23.86 RCW to read as follows:

(1) Duplicate originals of the articles of incorporation signed by the incorporators shall be delivered to the secretary of state. If the secretary of state finds that the articles of incorporation conform to law, the secretary of state shall, when all required fees have been paid:

- (a) Endorse each original with the word 'filed' and the effective date of the filing.
- (b) File one original in his or her office.
- (c) Issue a certificate of incorporation with one original attached.

(2) The certificate of incorporation, with an original of the articles of incorporation affixed by the secretary of state, shall be returned to the incorporators or their representatives and shall be retained by the association.

(3) Upon the filing of the articles of incorporation, the corporate existence shall begin, and the certificate of incorporation shall, except as against the state in a proceeding to cancel or revoke the certificate of incorporation, be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this chapter.

Sec. 9. Section 4, chapter 19, Laws of 1913 as last amended by section 173, chapter 35, Laws of 1982 and RCW 23.86.070 are each amended to read as follows:

For filing articles of incorporation of an association organized under this chapter or filing application for a certificate of authority by a foreign corporation, there shall be paid to the secretary of state the sum of twenty-five dollars and for filing of an amendment ~~((thereof))~~ the sum of twenty dollars. Fees for filing other documents with the secretary of state and issuing certificates shall be as prescribed in RCW 23A.40.020. Associations ~~((organized under))~~ subject to this chapter shall not be subject to any corporation license fees excepting the fees hereinabove enumerated.

Sec. 10. Section 5, chapter 19, Laws of 1913 and RCW 23.86.080 are each amended to read as follows:

~~((Every such))~~ (1) Associations shall be managed by a board of not less than three ~~((trustees))~~ directors (which may be referred to as 'trustees'). The ~~((trustees))~~ directors shall be elected by and from the ~~((stockholders))~~ members of the association at such time, in such manner, and for such term of office as the bylaws may prescribe, and shall hold office during the term for which they were elected and until their successors are elected and qualified ~~((but a majority of the stockholders shall have the power at any regular or special meeting, legally called for that purpose to remove any trustee or officer for cause, and fill the vacancy. The officers of every such association shall be a president, one or more vice presidents, a secretary and a treasurer who shall be elected annually by the trustees. Each of said officers must be a member of the association. All elections shall be by ballot))~~.

(2) Except as provided in section 12 of this act, any vacancy occurring in the board of directors, and any directorship to be filled by reason of an increase in the number of directors, may be filled by the board of directors unless the articles of incorporation or the bylaws provide that a vacancy or directorship so created shall be filled in some other manner. A director elected or appointed to fill a vacancy shall be elected or appointed for the unexpired term of the predecessor in office.

NEW SECTION. Sec. 11. A new section is added to chapter 23.86 RCW to read as follows:

The directors shall elect a president and one or more vice-presidents, who need not be directors. If the president and vice-presidents are not members of the board of directors, the directors shall elect from their number a chairman of the board of directors and one or more vice-chairmen. They shall also elect a secretary and treasurer, who need not be directors, and they may combine the two offices and designate the combined office as secretary-treasurer. The treasurer may be a bank or any depository, and as such shall not be considered an officer but a function of the board of directors. In such case, the secretary shall perform the usual accounting duties of the treasurer, except that the funds shall be deposited only as authorized by the board of directors.

NEW SECTION. Sec. 12. A new section is added to chapter 23.86 RCW to read as follows:

Any member may bring charges against an officer or director by filing charges in writing with the secretary of the association, together with a petition signed by ten percent of the members requesting the removal of the officer or director in question. The removal shall be voted upon at the next regular or special meeting of the association and, by a vote of a majority of the members voting, the association may remove the officer or director and fill the vacancy. The director or officer against whom such charges have been brought shall be informed in writing of the charges prior to the meeting and shall have an opportunity at the meeting to be heard in person or by counsel and to present witnesses. The person or persons bringing the charges shall have the same opportunity. If the bylaws provide for election of directors by districts, the petition for removal of a director must be signed by the number of members residing in the district from which the officer or director was elected as the articles of

incorporation or bylaws specify and, in the absence of such specification, the petition must be signed by ten percent of the members residing in the district. The board of directors must call a special meeting of the members residing in that district to consider the removal of the director. By a vote of the majority of the members of the district voting, the association may remove the officer or director and fill the vacancy.

NEW SECTION. Sec. 13. A new section is added to chapter 23.86 RCW to read as follows:

Effective January 1, 1990, every association subject to this chapter shall have and maintain a registered office and a registered agent in this state in accordance with the requirements set forth in RCW 24.06.050.

NEW SECTION. Sec. 14. A new section is added to chapter 23.86 RCW to read as follows:

The provisions of RCW 24.06.055 and 24.06.060 shall apply to every association subject to this chapter.

NEW SECTION. Sec. 15. A new section is added to chapter 23.86 RCW to read as follows:

Effective January 1, 1990, every association subject to this chapter shall comply with the requirements set forth in RCW 24.06.440.

NEW SECTION. Sec. 16. A new section is added to chapter 23.86 RCW to read as follows:

The provisions of RCW 24.06.445 shall apply to every association subject to this chapter.

NEW SECTION. Sec. 17. A new section is added to chapter 23.86 RCW to read as follows:

The provisions of RCW 23A.28.125 shall apply to every association subject to this chapter formed on or after the effective date of this act.

NEW SECTION. Sec. 18. A new section is added to chapter 23.86 RCW to read as follows:

The provisions of RCW 23A.28.127 shall apply to every association subject to this chapter. An association may apply for reinstatement within three years after the effective date of dissolution.

NEW SECTION. Sec. 19. A new section is added to chapter 23.86 RCW to read as follows:

(1) Except for debts lawfully contracted between a member and the association, no member shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid on his or her membership fee or subscription to capital stock.

(2) Membership may be terminated under provisions, rules, or regulations prescribed in the articles of incorporation or bylaws. In the absence thereof, the board of directors may prescribe such provisions, rules, and regulations.

NEW SECTION. Sec. 20. A new section is added to chapter 23.86 RCW to read as follows:

The provisions of RCW 24.06.100 and 24.06.105 shall apply to every association subject to this chapter.

NEW SECTION. Sec. 21. A new section is added to chapter 23.86 RCW to read as follows:

(1) The right of a member to vote may be limited, enlarged, or denied to the extent specified in the articles of incorporation or bylaws. Unless so limited, enlarged, or denied, each member shall be entitled to one vote on each matter submitted to a vote of members. The bylaws may allow subscribers to vote as members if one-fifth of the subscription for the membership fee or capital stock has been paid.

(2) A member may vote in person or, unless the articles of incorporation or the bylaws otherwise provide, may vote by mail or by proxy executed in writing by the member or by a duly authorized attorney-in-fact. No proxy shall be valid for more than eleven months from the date of its execution unless otherwise specified in the proxy. Votes by mail or by proxy shall be made by mail ballot or proxy form prepared and distributed by the association in accordance with procedures set forth in the articles of incorporation or bylaws. Persons voting by mail shall be deemed present for all purposes of quorum, count of votes, and percentage voting of total voting power.

(3) If the articles of incorporation or bylaws provide for more or less than one vote per member on any matter, every reference in this chapter to a majority or other proportion of members shall refer to such a majority or other proportion of votes entitled to be cast by members.

NEW SECTION. Sec. 22. A new section is added to chapter 23.86 RCW to read as follows:

Except as otherwise provided in this chapter, the articles of incorporation or the bylaws may provide the number or percentage of votes that members are entitled to cast in person, by mail, or by proxy that shall constitute a quorum at meetings of members. In the absence of any provision in the articles of incorporation or bylaws, twenty-five percent of the total membership of the association shall constitute a quorum.

Sec. 23. Section 6, chapter 19, Laws of 1913 as last amended by section 174, chapter 35, Laws of 1982 and RCW 23.86.090 are each amended to read as follows:

The articles of ((association)) incorporation may be amended by a majority vote of the members voting thereon, at any regular meeting or at any special meeting called for that purpose, after notice of the proposed amendment has been given to all members entitled to vote thereon, in the manner provided by the bylaws: PROVIDED, That if the total vote upon the proposed amendment shall be less than twenty-five percent of the total membership of the association, the amendment shall not be approved. At the meeting, members may vote upon the proposed amendment in person, or by written proxy, or by mailed ballot. The power to amend shall include the power to extend the period of its duration for a further definite time or

perpetually, and also include the power to increase or diminish the amount of capital stock and the number of shares: PROVIDED, The amount of the capital stock shall not be diminished below the amount of the paid-up capital stock at the time such amendment is adopted. ~~((Within thirty days))~~ After the adoption of an amendment to its articles of ~~((association))~~ incorporation, the association shall cause a copy of such amendment adopted to be recorded in the office of the secretary of state as provided in RCW 24.06.195.

Sec. 24. Section 19, chapter 19, Laws of 1913 and RCW 23.86.100 are each amended to read as follows:

Any association ~~((formed under))~~ subject to this chapter may pass bylaws to govern itself in the carrying out of the provisions of this chapter which are not inconsistent with the provisions of this chapter.

Sec. 25. Section 13, chapter 19, Laws of 1913 as last amended by section 1, chapter 37, Laws of 1947 and RCW 23.86.160 are each amended to read as follows:

The ~~((trustees))~~ directors may apportion the net earnings by paying dividends upon the paid-up capital stock at a rate not exceeding eight percent per annum. They may set aside reasonable reserves out of such net earnings for any association purpose. The ~~((trustees))~~ directors may, however, distribute all or any portion of the net earnings to ~~((stockholders))~~ members in proportion to the business of each with the association ~~((-PROVIDED, That))~~ and they may include ~~((nonstockholders))~~ nonmembers at a rate not exceeding that paid to ~~((stockholders: PROVIDED FURTHER, That))~~ members. The ~~((trustees))~~ directors may distribute, on a patronage basis, such net earnings at different rates on different classes, kinds, or varieties of products handled. All dividends declared or other distributions made under this section may, in the discretion of the ~~((trustees))~~ directors, be in the form of capital stock ~~((or other))~~, capital or equity certificates, book credits, or capital funds of the association. All unclaimed dividends or distributions authorized under this chapter or funds payable on redeemed stock ~~((or))~~, equity certificates, book credits, or capital funds shall revert to the association at the discretion of the ~~((trustees))~~ directors at any time after one year from the end of the fiscal year during which such distributions or redemptions have been declared.

Sec. 26. Section 38, chapter 297, Laws of 1981 and RCW 23.86.195 are each amended to read as follows:

Any cooperative association organized under any other statute may be reorganized under the provisions of this chapter by adopting and filing amendments to its articles of ~~((association))~~ incorporation in accordance with the provisions of this chapter for amending articles of ~~((association))~~ incorporation. The articles of ~~((association))~~ incorporation as amended must conform to the requirements of this chapter, and shall state that the cooperative association accepts the benefits and will be bound by the provisions of this chapter.

Sec. 27. Section 2, chapter 221, Laws of 1971 ex. sess. as last amended by section 175, chapter 35, Laws of 1982 and RCW 23.86.210 are each amended to read as follows:

(1) A cooperative association may be converted to a domestic ordinary business corporation pursuant to the following procedures:

(a) The board of ~~((trustees))~~ directors of the association shall, by affirmative vote of not less than two-thirds of all such ~~((trustees))~~ directors, adopt a plan for such conversion setting forth:

(i) The reasons why such conversion is desirable and in the interests of the members of the association;

(ii) The proposed contents of articles of conversion with respect to items (ii) through (ix) of subparagraph (c) below; and

(iii) Such other information and matters as the board of ~~((trustees))~~ directors may deem to be pertinent to the proposed plan.

(b) After adoption by the board of ~~((trustees))~~ directors, the plan for conversion shall be submitted for approval or rejection to the members of the association at any regular meetings or at any special meetings called for that purpose, after notice of the proposed conversion has been given to all members entitled to vote thereon, in the manner provided by the bylaws. The notice of the meeting shall be accompanied by a full copy of the proposed plan for conversion or by a summary of its provisions. At the meeting members may vote upon the proposed conversion in person, or by written proxy, or by mailed ballot. The affirmative vote of two-thirds of the members voting thereon shall be required for approval of the plan of conversion ~~((-PROVIDED, That))~~. If the total vote upon the proposed conversion shall be less than twenty-five percent of the total membership of the association, the conversion shall not be approved.

(c) Upon approval by the members of the association, the articles of conversion shall be executed in duplicate by the association by one of its officers and shall set forth:

(i) The dates and vote by which the plan for conversion was adopted by the board of ~~((trustees))~~ directors and members respectively;

(ii) The corporate name of the converted organization. The name shall comply with requirements for names of business corporations formed under Title 23A RCW, and shall not contain the term 'cooperative';

(iii) The purpose or purposes for which the converted corporation is to exist;

(iv) The duration of the converted corporation, which may be perpetual or for a stated term of years;

(v) The capitalization of the converted corporation and the class or classes of shares of stock into which divided, together with the par value, if any, of such shares, in accordance with statutory requirements applicable to ordinary business corporations, and the basis upon which outstanding shares of the association are converted into shares of the converted corporation;

(vi) Any provision limiting or denying to shareholders the preemptive right to acquire additional shares of the converted corporation;

(vii) The address of the converted corporation's initial registered office and its initial registered agent at such address;

(viii) The names and addresses of the persons who are to serve as directors of the converted corporation until the first annual meeting of shareholders of the converted corporation or until their successors are elected and qualify;

(ix) Any additional provisions, not inconsistent with law, provided for by the plan for conversion for the regulation of the internal affairs of the converted corporation, including any provision restricting the transfer of shares or which under Title 23A RCW is required or permitted to be set forth in bylaws.

(d) The executed duplicate originals of the articles of conversion shall be delivered to the secretary of state. If the secretary of state finds that the articles of conversion conform to law, the secretary of state shall, when all the fees have been paid as in this section prescribed:

(i) Endorse on each of such originals the word 'Filed', and the effective date of such filing;

(ii) File one of such originals; and

(iii) Issue a certificate of conversion to which one of such originals shall be affixed.

(e) The certificate of conversion, together with the original of the articles of conversion affixed thereto by the secretary of state, shall be returned to the converted corporation or its representative. The original affixed to the certificate of conversion shall be retained by the converted corporation.

~~((f))~~ (f) Upon filing the articles of conversion the converted corporation shall pay, and the secretary of state shall collect, the same filing and license fees as for filing articles of incorporation of a newly formed business corporation similarly capitalized.

(2) Upon filing by the secretary of state of the articles of conversion, the conversion of the cooperative association to an ordinary business corporation shall become effective; the articles of conversion shall thereafter constitute and be treated in like manner as articles of incorporation; and the converted corporation shall be subject to all laws applicable to corporations formed under Title 23A RCW, and shall not thereafter be subject to laws applying only to cooperative associations. The converted corporation shall constitute and be deemed to constitute a continuation of the corporate substance of the cooperative association and the conversion shall in no way derogate from the rights of creditors of the former association.

~~((3))~~ A member of the cooperative association who dissents from the plan for conversion shall have the same right of dissent and payment and in accordance with the same applicable procedures, as are provided for dissenting shareholders with respect to merger of ordinary business corporations under chapter 23A.24 RCW.))

Sec. 28. Section 3, chapter 221, Laws of 1971 ex. sess. as last amended by section 176, chapter 35, Laws of 1982 and RCW 23.86.220 are each amended to read as follows:

(1) A cooperative association may merge with one or more domestic cooperative associations, or with one or more domestic ordinary business corporations, in accordance with the procedures and subject to the conditions set forth or referred to in this section.

(2) If the merger is into another domestic cooperative association, the board of ~~((trustees))~~ directors of each of the associations shall approve by vote of not less than two-thirds of all the ~~((trustees))~~ directors, a plan of merger setting forth:

(a) The names of the associations proposing to merge;

(b) The name of the association which is to be the surviving association in the merger;

(c) The terms and conditions of the proposed merger;

(d) The manner and basis of converting the shares of each merging association into shares or other securities or obligations of the surviving association;

(e) A statement of any changes in the articles of ~~((association))~~ incorporation of the surviving association to be effected by such merger; and

(f) Such other provisions with respect to the proposed merger as are deemed necessary or desirable.

(3) Following approval by the boards of ~~((trustees))~~ directors, the plan of merger shall be submitted to a vote of the members of each of the associations at any regular meeting or at any special meetings called for that purpose, after notice of the proposed merger has been given to all members entitled to vote thereon, in the manner provided in the bylaws. The notice of the meeting shall be in writing stating the purpose or purposes of the meeting and include or be accompanied by a copy or summary of the plan of merger. At the meeting members may vote upon the proposed merger in person, or by written proxy, or by mailed ballot. The affirmative vote of two-thirds of the members voting thereon, by each association, shall be

required for approval of the plan of merger(~~(-PROVIDED-That)~~). If the total vote of either association upon the proposed merger shall be less than twenty-five percent of the total membership of such association, the merger shall not be approved.

(4) Upon approval by the members of the associations proposing to merge, articles of merger shall be executed in duplicate by each association by an officer of each association, and shall set forth:

- (a) The plan of merger;
- (b) As to each association, the number of members and, if there is capital stock, the number of shares outstanding; and
- (c) As to each association, the number of members who voted for and against such plan, respectively.

(5) Duplicate originals of the articles of merger shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, the secretary of state shall, when all fees have been paid as in this section prescribed:

- (a) Endorse on each of such originals the word 'Filed', and the effective date of such filing;
 - (b) File one of such originals; and
 - (c) Issue a certificate of merger to which one of such originals shall be affixed.
- (6) The certificate of merger, together with the duplicate original of the articles of merger affixed thereto by the secretary of state shall be returned to the surviving association or its representative.

(7) For filing articles of merger hereunder the secretary of state shall charge and collect the same fees as apply to filing of articles of merger of ordinary business corporations.

(8) If the plan of merger is for merger of the cooperative association into a domestic ordinary business corporation, the association shall follow the same procedures as hereinabove provided for merger of domestic cooperative associations and the ordinary business corporation shall follow the applicable procedures set forth in chapter 23A.20 RCW.

(9) At any time prior to filing of the articles of merger, the merger may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger.

~~((10) A member of a cooperative association, or shareholder of the ordinary business corporation, who dissents from the plan of merger shall have the same right of dissent and payment and in accordance with the same applicable procedures, as are provided for dissenting shareholders with respect to merger of ordinary business corporations under chapter 23A.24 RCW.))~~

Sec. 29. Section 4, chapter 221, Laws of 1971 ex. sess. and RCW 23.86.230 are each amended to read as follows:

(1) Upon issuance of the certificate of merger by the secretary of state, the merger of the cooperative association into another cooperative association or ordinary business corporation, as the case may be, shall be effected.

(2) When merger has been effected:

(a) The several parties to the plan of merger shall be a single cooperative association or corporation, as the case may be, which shall be that cooperative association or corporation designated in the plan of merger as the survivor.

(b) The separate existence of all parties to the plan of merger, except that of the surviving cooperative association or corporation, shall cease.

(c) If the surviving entity is a cooperative association, it shall have all the rights, privileges, immunities and powers and shall be subject to all the duties and liabilities of a cooperative association organized under chapter 23.86 RCW. If the surviving entity is an ordinary business corporation, it shall have all the rights, privileges, immunities and powers and shall be subject to all the duties and liabilities of a corporation organized or existing under Title 23A RCW.

(d) Such surviving cooperative association or corporation, as the case may be, shall thereupon and thereafter possess all the rights, privileges, immunities, and franchises, both public and private of each of the merging organizations, to the extent that such rights, privileges, immunities, and franchises are not inconsistent with the corporate nature of the surviving organization; and all property, real, personal and mixed, and all debts due on whatever account, including subscriptions to shares, and all other choses in action, and all and every other interest of or belonging to or due to each of the organizations so merged shall be taken and deemed to be transferred to and vested in such surviving cooperative association or corporation, as the case may be, without further act or deed; and the title to any real estate, or any interest therein, vested in any such merged cooperative association shall not revert or be in any way impaired by reason of such merger.

(3) The surviving cooperative association or corporation, as the case may be, shall, after the merger is effected, be responsible and liable for all the liabilities and obligations of each of the organizations so merged; and any claim existing or action or proceeding pending by or against any of such organizations may be prosecuted as if the merger had not taken place and the surviving cooperative association or corporation may be substituted in its place. Neither the right of creditors nor any liens upon the property of any cooperative association or corporation party to the merger shall be impaired by the merger.

(4) The articles of (~~(association)~~) incorporation of the surviving cooperative association or (~~(the articles of incorporation)~~) of the surviving ordinary business corporation, as the case may be, shall be deemed to be amended to the extent, if any, that changes in such articles are stated in the plan of merger.

NEW SECTION. Sec. 30. A new section is added to chapter 23.86 RCW to read as follows:

A member of an association shall have the right to dissent from any of the following association actions:

- (1) Any plan of merger or consolidation to which the association is a party;
- (2) Any plan of conversion of the association to an ordinary business corporation; or
- (3) Any sale or exchange of all or substantially all of the property and assets of the association not made in the usual and regular course of its business, including a sale in dissolution, but not including a sale pursuant to an order of a court having jurisdiction in the premises or a sale for cash on terms requiring that all or substantially all of the net proceeds of the sale be distributed to the members in accordance with their respective interests within one year from the date of sale.

NEW SECTION. Sec. 31. A new section is added to chapter 23.86 RCW to read as follows:

(1) Except as provided otherwise under subsection (2) of this section, the rights and procedures set forth in RCW 23A.24.040 shall apply to a member who elects to exercise the right of dissent.

(2) The articles of incorporation of an association subject to this chapter may provide that a dissenting member shall be limited to a return of less than the fair value of the member's equity interest in the association, but a dissenting member may not be limited to a return of less than the consideration paid to or retained by the association for the equity interest unless the fair value is less than the consideration paid to or retained by the association.

NEW SECTION. Sec. 32. A new section is added to chapter 23.86 RCW to read as follows:

The provisions of Title 23A RCW shall apply to the associations subject to this chapter, except where such provisions are in conflict with or inconsistent with the express provisions of this chapter. The terms 'shareholder' or 'shareholders' as used in Title 23A RCW, or in chapter 24.06 RCW as incorporated by reference herein, shall be deemed to refer to 'member' or 'members' as defined in this chapter. When the terms 'share' or 'shares' are used with reference to voting rights in Title 23A RCW, or in chapter 24.06 RCW as incorporated by reference herein, such terms shall be deemed to refer to the vote or votes entitled to be cast by a member or members.

NEW SECTION. Sec. 33. A new section is added to chapter 23.86 RCW to read as follows:

The provisions of RCW 24.06.340 through 24.06.435 shall apply to every foreign corporation which desires to conduct affairs in this state under the authority of this chapter.

Sec. 34. Section 32, chapter 282, Laws of 1959 as last amended by section 9, chapter 421, Laws of 1987 and by section 13, chapter 457, Laws of 1987 and RCW 21.20.320 are each re-enacted and amended to read as follows:

The following transactions are exempt from RCW 21.20.040 through 21.20.300 except as expressly provided:

(1) Any isolated transaction, or sales not involving a public offering, whether effected through a broker-dealer or not; or any transaction effected in accordance with any rule by the director establishing a nonpublic offering exemption pursuant to this subsection where registration is not necessary or appropriate in the public interest or for the protection of investors.

(2) Any nonissuer distribution of an outstanding security by a registered broker-dealer if (a) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security.

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period.

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit. A bond or other evidence of indebtedness is not offered and sold as a unit if the transaction involves:

(a) A partial interest in one or more bonds or other evidences of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels; or

(b) One of multiple bonds or other evidences of indebtedness secured by one or more real or chattel mortgages or deeds of trust, or agreements for the sale of real estate or chattels, sold to more than one purchaser as part of a single plan of financing; or

(c) A security including an investment contract other than the bond or other evidence of indebtedness.

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter.

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(9) Any transaction pursuant to an offering not exceeding five hundred thousand dollars effected in accordance with any rule by the director if the director finds that registration is not necessary in the public interest and for the protection of investors.

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber.

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days.

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation, or sale of assets.

(15) The offer or sale by a registered broker-dealer, or a person exempted from the registration requirements pursuant to RCW 21.20.040, acting either as principal or agent, of securities previously sold and distributed to the public: PROVIDED, That:

(a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale, and, if such broker-dealer is acting as agent, the commission collected by such broker-dealer on account of the sale thereof is not in excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics;

(b) Such securities do not constitute the whole or a part of an unsold allotment to or subscription or participation by such broker-dealer as an underwriter of such securities or as a participant in the distribution of such securities by the issuer, by an underwriter or by a person or group of persons in substantial control of the issuer or of the outstanding securities of the class being distributed; and

(c) The security has been lawfully sold and distributed in this state or any other state of the United States under this or any act regulating the sale of such securities.

(16) Any transaction by a mutual or cooperative association meeting the requirements of (a) and (b) of this subsection:

(a) The transaction:

(i) Does not involve advertising or public solicitation; or

(ii) Involves advertising or public solicitation; and:

(A) The association first files a notice of claim of exemption on a form prescribed by the director specifying the terms of the offer and the director does not by order deny the exemption within the next ten full business days; or

(B) The association is an employee cooperative and identifies itself as an employee cooperative in advertising or public solicitation.

(b) The transaction involves an instrument or interest, that:

(i)(A) Qualifies its holder to be a member or patron of the association;

(B) Represents a contribution of capital to the association by a person who is or intends to become a member or patron of the association;

(C) Represents a patronage dividend or other patronage allocation; or

(D) Represents the terms or conditions by which a member or patron purchases, sells, or markets products, commodities, or services from, to, or through the association; and

(I) Is nontransferable except in the case of death, operation of law, bona fide transfer for security purposes only to the association, a bank, or other financial institution, intrafamily transfer, or transfer to an existing member or person who will become a member and, in the case of an instrument, so states conspicuously on its face.

(17) Any transaction effected in accordance with any rule adopted by the director establishing a limited offering exemption which furthers objectives of compatibility with federal exemptions and uniformity among the states, provided that in adopting any such rule the director may require that no commission or other remuneration be paid or given to any person, directly or indirectly, for effecting sales unless the person is registered under this chapter as a broker-dealer or salesperson.

NEW SECTION. Sec. 35. A new section is added to chapter 23.86 RCW to read as follows:

(1) The secretary of state shall notify all associations subject to this chapter thirty days prior to the effective date of this act that in the event they fail to appoint a registered agent as provided in section 13 of this act, they shall thereupon cease to be recorded as an active corporation.

(2) If the notification provided under subsection (1) of this section from the secretary of state to any association was or has been returned unclaimed or undeliverable, the secretary of state shall proceed to remove the name of such association from the records of active corporations.

(3) Associations removed from the records of active corporations under subsection (2) of this section may be reinstated at any time within ten years of the action by the secretary of state. The association shall be reinstated to active status by filing a request for reinstatement, by appointment of a registered agent and designation of a registered office as required by this chapter, and by filing an annual report for the reinstatement year. No fees may be charged for reinstatements under this section. If, during the period of inactive status, another person or corporation has reserved or adopted a corporate name which is identical to or deceptively similar to the association's name, the association seeking reinstatement shall be required to adopt another name consistent with the requirements of this chapter and to amend its articles of incorporation accordingly.

(4) If no action is taken to reinstate to active status as provided in subsection (3) of this section, the association shall be administratively dissolved.

Sec. 36. Section 24, chapter 230, Laws of 1971 ex. sess. as amended by section 1, chapter 164, Laws of 1987 and RCW 15.35.240 are each amended to read as follows:

The director may deny, suspend, or revoke a license upon due notice and an opportunity for a hearing as provided in chapter ~~((34.04 RCW, concerning contested cases, as enacted or hereafter amended))~~ 34.05 RCW concerning adjudicative proceedings, or rules adopted thereunder by the director, when he is satisfied by a preponderance of the evidence of the existence of any of the following facts:

(1) A milk dealer has failed to account and make payments without reasonable cause, for milk purchased from a producer subject to the provisions of this chapter or rules adopted hereunder;

(2) A milk dealer has committed any act injurious to the public health or welfare or to trade and commerce in milk;

(3) A milk dealer has continued in a course of dealing of such nature as to satisfy the director of his inability or unwillingness to properly conduct the business of handling or selling milk, or to satisfy the director of his intent to deceive or defraud producers subject to the provisions of this chapter or rules adopted hereunder;

(4) A milk dealer has rejected without reasonable cause any milk purchased or has rejected without reasonable cause or reasonable advance notice milk delivered in ordinary continuance of a previous course of dealing, except where the contract has been lawfully terminated;

(5) Where the milk dealer is insolvent or has made a general assignment for the benefit of creditors or has been adjudged bankrupt or where a money judgment has been secured against him upon which an execution has been returned wholly or partially satisfied;

(6) Where the milk dealer has been a party to a combination to fix prices, contrary to law; a cooperative association organized under chapter ~~((24.32))~~ 23.86 RCW and making collective sales and marketing milk pursuant to the provisions of such chapter, directly or through a marketing agent, shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly;

(7) Where there has been a failure either to keep records or to furnish statements or information required by the director;

(8) Where it is shown that any material statement upon which the license was issued is or was false or misleading or deceitful in any particular;

(9) Where the applicant is a partnership or a corporation and any individual holding any position or interest or power of control therein has previously been responsible in whole or in part for any act for which a license may be denied, suspended, or revoked, pursuant to the provisions of this chapter or rules adopted hereunder;

(10) Where the milk dealer has violated any provisions of this chapter or rules adopted hereunder;

(11) Where the milk dealer has ceased to operate the milk business for which the license was issued.

Sec. 37, Section 3, chapter 139, Laws of 1959 as last amended by section 10, chapter 254, Laws of 1988 and RCW 20.01.030 are each amended to read as follows:

This chapter does not apply to:

(1) Any cooperative marketing associations or federations incorporated under, or whose articles of incorporation and bylaws are equivalent to, the requirements of chapter 23.86 RCW (or chapter 24.32 RCW), except as to that portion of the activities of the association or federation that involve the handling or dealing in the agricultural products of nonmembers of the organization: PROVIDED, That the associations or federations may purchase up to fifteen percent of their gross from nonmembers for the purpose of filling orders: PROVIDED FURTHER, That if the cooperative or association acts as a processor as defined in RCW 20.01.500(2) and markets the processed agricultural crops on behalf of the grower or its own behalf, the association or federation is subject to the provisions of RCW 20.01.500 through 20.01.560 and the license provision of this chapter excluding bonding provisions: PROVIDED FURTHER, That none of the foregoing exemptions in this subsection apply to any such cooperative or federation dealing in or handling grain in any manner, and not licensed under the provisions of chapter 22.09 RCW;

(2) Any person who sells exclusively his or her own agricultural products as the producer thereof;

(3) Any public livestock market operating under a bond required by law or a bond required by the United States to secure the performance of the public livestock market's obligation. However, any such market operating as a livestock dealer or order buyer, or both, is subject to all provisions of this chapter except for the payment of the license fee required in RCW 20.01.040;

(4) Any retail merchant having a bona fide fixed or permanent place of business in this state, but only for the retail merchant's retail business conducted at such fixed or established place of business;

(5) Any person buying farm products for his or her own use or consumption;

(6) Any warehouseman or grain dealer licensed under the state grain warehouse act, chapter 22.09 RCW, with respect to his or her handling of any agricultural product as defined under that chapter;

(7) Any nurseryman who is required to be licensed under the horticultural laws of the state with respect to his or her operations as such licensee;

(8) Any person licensed under the now existing dairy laws of the state with respect to his or her operations as such licensee;

(9) Any producer who purchases less than fifteen percent of his or her volume to complete orders;

(10) Any person, association, or corporation regulated under chapter 67.16 RCW and the rules adopted thereunder while performing acts regulated by that chapter and the rules adopted thereunder;

(11) Any boom loader who loads exclusively his or her own hay or straw as the producer thereof.

Sec. 38, Section 72, chapter 120, Laws of 1969 ex. sess. as amended by section 2, chapter 45, Laws of 1982 and RCW 24.06.360 are each amended to read as follows:

A foreign corporation, in order to procure a certificate of authority to conduct affairs in this state, shall make application therefor to the secretary of state, which application shall set forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) The date of incorporation and the period of duration of the corporation.

(3) The address of the principal office of the corporation in the state or country under the laws of which it is incorporated.

(4) The address of the proposed registered office of the corporation in this state, and the name of its proposed registered agent in this state at such address.

(5) For the purpose or purposes of the corporation which it proposes to pursue in conducting its affairs in this state.

(6) The names and respective addresses of the directors and officers of the corporation.

(7) Such additional information as may be necessary or appropriate in order to enable the secretary of state to determine whether such corporation is entitled to a certificate of authority to conduct affairs in this state.

~~((6) For any foreign agricultural cooperative association, evidence that the association has complied with the provisions of RCW 24.32.210;))~~

Sec. 39, Section 43.07.120, chapter 8, Laws of 1965 as last amended by section 187, chapter 35, Laws of 1982 and RCW 43.07.120 are each amended to read as follows:

(1) The secretary of state shall collect the fees herein prescribed for the secretary of state's official services:

(a) For a copy of any law, resolution, record, or other document or paper on file in the secretary's office for which no other fee is provided, fifty cents per page for the first ten pages and twenty-five cents per page for each additional page;

(b) For any certificate under seal, five dollars;

(c) For filing and recording trademark, fifty dollars;

(d) For each deed or patent of land issued by the governor, if for one hundred and sixty acres of land, or less, one dollar, and for each additional one hundred and sixty acres, or fraction thereof, one dollar;

(e) For recording miscellaneous records, papers, or other documents, five dollars for filing each case.

(2) The secretary of state may adopt rules under chapter (~~(34-04)~~) 34.05 RCW establishing reasonable fees for the following services rendered under Title 23A RCW, chapter 18.100, 23.86, 23.90, 24.03, 24.06, 24.12, 24.20, 24.24, 24.28, (~~(24-32)~~) 24.36, or 25.10 RCW:

(a) Any service rendered in-person at the secretary of state's office;

(b) Any expedited service;

(c) The electronic transmittal of documents;

(d) The providing of information by microfiche or other reduced-format compilation;

(e) The handling of checks or drafts for which sufficient funds are not on deposit;

(f) The resubmission of documents previously submitted to the secretary of state where the documents have been returned to the submitter to make such documents conform to the requirements of the applicable statute;

(g) The handling of telephone requests for information; and

(h) Special search charges.

(3) To facilitate the collection of fees, the secretary of state may establish accounts for deposits by persons who may frequently be assessed such fees to pay the fees as they are assessed. The secretary of state may make whatever arrangements with those persons as may be necessary to carry out this section.

(4) No member of the legislature, state officer, justice of the supreme court, judge of the court of appeals, or judge of the superior court shall be charged for any search relative to matters pertaining to the duties of his or her office; nor may such official be charged for a certified copy of any law or resolution passed by the legislature relative to his or her official duties, if such law has not been published as a state law.

Sec. 40. Section 1, chapter 122, Laws of 1971 ex. sess. as last amended by section 188, chapter 35, Laws of 1982 and RCW 43.07.130 are each amended to read as follows:

There is created within the state treasury a revolving fund, to be known as the 'secretary of state's revolving fund,' which shall be used by the office of the secretary of state to defray the costs of printing, reprinting, or distributing printed matter authorized by law to be issued by the office of the secretary of state, and any other cost of carrying out the functions of the secretary of state under Title 23A RCW, or chapters 18.100, 23.86, 23.90, 24.03, 24.06, 24.12, 24.20, 24.24, 24.28, (~~(24-32)~~) 24.36, or 25.10 RCW.

The secretary of state is hereby authorized to charge a fee for such publications in an amount which will compensate for the costs of printing, reprinting, and distributing such printed matter. Fees recovered by the secretary of state under RCW 43.07.120(2), 23A.36.050, 23A.40.030, 24.03.410, 24.06.455, or 46.64.040, and such other moneys as are expressly designated for deposit in the secretary of state's revolving fund shall be placed in the secretary of state's revolving fund.

Sec. 41. Section 193, chapter 35, Laws of 1982 and RCW 43.07.190 are each amended to read as follows:

Where the secretary of state determines that a summary face sheet or cover sheet would expedite review of any documents made under Title 23A RCW, or chapter 18.100, 23.86, 23.90, 24.03, 24.06, 24.12, 24.20, 24.24, (~~(24-32)~~) 24.36, or 25.10 RCW, the secretary of state may require the use of a summary face sheet or cover sheet that accurately reflects the contents of the attached document. The secretary of state may, by rule adopted under chapter (~~(34-04)~~) 34.05 RCW, specify the required contents of any summary face sheet and the type of document or documents in which the summary face sheet will be required, in addition to any other filing requirements which may be applicable.

Sec. 42. Section 6, chapter 2, Laws of 1983 as last amended by section 17, chapter 117, Laws of 1986 and RCW 23A.32.050 are each amended to read as follows:

A foreign corporation, in order to procure a certificate of authority to transact business in this state, shall make application therefor to the secretary of state, which application shall set forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) If the name of the corporation does not contain the word 'corporation', 'company', 'incorporated', or 'limited', or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it elects to add thereto for use in this state.

(3) The date of incorporation and the period of duration of the corporation.

- (4) The address of the principal office of the corporation.
- (5) The purpose or purposes of the corporation which it proposes to pursue in the transaction of business in this state.
- (6) The names and respective addresses of the directors and officers of the corporation.
- (7) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes and series, if any within a class.
- (8) A statement that a registered agent has been appointed and the name and address of such agent, and that a registered office exists and the address of such registered office is identical to that of the registered agent.
- (9) The date of the beginning of its current annual accounting period.
- (10) Such additional information as may be necessary or appropriate in order to enable the secretary of state to determine whether such corporation is entitled to a certificate of authority to transact business in this state and to determine and assess the fees payable as in this title prescribed.

~~((11) For any foreign agricultural cooperative association, evidence that the association has complied with the provisions of RCW 24.32.210;))~~

Such application shall be made in the form prescribed by the secretary of state and shall be executed in duplicate by the corporation by one of its officers.

Such application shall be accompanied by a certificate of good standing which has been issued no more than sixty days before the date of filing of the application for a certificate of authority to do business in this state and has been certified to by the proper officer of the state or country under the laws of which it is incorporated.

Sec. 43. Section 6, chapter 205, Laws of 1982, as last amended by section 19, chapter 240, Laws of 1988 and RCW 18.11.070 are each amended to read as follows:

(1) It is unlawful for any person to act as an auctioneer or for an auction company to engage in any business in this state without a license.

(2) This chapter does not apply to:

(a) An auction of goods conducted by an individual who personally owns those goods and who did not acquire those goods for resale;

(b) An auction conducted by or under the direction of a public authority;

(c) An auction held under judicial order in the settlement of a decedent's estate;

(d) An auction which is required by law to be at auction;

(e) An auction conducted by or on behalf of a political organization or a charitable corporation or association if the person conducting the sale receives no compensation;

(f) An auction of livestock or agricultural products which is conducted under chapter 16.65 or 20.01 RCW. Auctions not regulated under chapter 16.65 or 20.01 RCW shall be fully subject to the provisions of this chapter: ((or))

(g) An auction held under chapter 19.150 RCW; or

(h) An auction of fur pelts conducted by any cooperative association organized under chapter 23.86 RCW or its wholly owned subsidiary. In order to qualify for this exemption, the fur pelts must be from members of the association. However, the association, without loss of the exemption, may auction pelts that it purchased from nonmembers for the purpose of completing lots or orders, so long as the purchased pelts do not exceed fifteen percent of the total pelts auctioned.

NEW SECTION. Sec. 44. The following acts or parts of acts are each repealed:

(1) Section 18, chapter 19, Laws of 1913, section 3, chapter 99, Laws of 1925 ex. sess. and RCW 23.86.040;

(2) Section 3, chapter 19, Laws of 1913, section 2, chapter 302, Laws of 1981, section 172, chapter 35, Laws of 1982 and RCW 23.86.060;

(3) Section 1, chapter 258, Laws of 1953, section 4, chapter 12, Laws of 1959 and RCW 23.86.110;

(4) Section 9, chapter 19, Laws of 1913, section 33, chapter 297, Laws of 1981 and RCW 23.86.120;

(5) Section 10, chapter 19, Laws of 1913 and RCW 23.86.130;

(6) Section 5, chapter 12, Laws of 1959 and RCW 23.86.140;

(7) Section 12, chapter 19, Laws of 1913 and RCW 23.86.150;

(8) Section 15, chapter 19, Laws of 1913 and RCW 23.86.180;

(9) Section 1, chapter 115, Laws of 1921, section 1, chapter 195, Laws of 1941 and RCW 24.32.010;

(10) Section 2, chapter 115, Laws of 1921, section 707, chapter 212, Laws of 1987 and RCW 24.32.020;

(11) Section 3, chapter 115, Laws of 1921 and RCW 24.32.030;

(12) Section 4, chapter 115, Laws of 1921 and RCW 24.32.040;

(13) Section 5, chapter 115, Laws of 1921, section 1, chapter 16, Laws of 1931, section 1, chapter 132, Laws of 1959 and RCW 24.32.050;

(14) Section 6, chapter 115, Laws of 1921, section 1, chapter 102, Laws of 1925 ex. sess., section 2, chapter 195, Laws of 1941, section 1, chapter 99, Laws of 1943 and RCW 24.32.060;

- (15) Section 7, chapter 115, Laws of 1921, section 2, chapter 16, Laws of 1931, section 2, chapter 132, Laws of 1959, section 705, chapter 212, Laws of 1987 and RCW 24.32.070;
- (16) Section 8, chapter 115, Laws of 1921, section 3, chapter 16, Laws of 1931, section 3, chapter 132, Laws of 1959 and RCW 24.32.080;
- (17) Section 9, chapter 115, Laws of 1921, section 4, chapter 16, Laws of 1931 and RCW 24.32.090;
- (18) Section 10, chapter 115, Laws of 1921 and RCW 24.32.100;
- (19) Section 11, chapter 115, Laws of 1921, section 1, chapter 69, Laws of 1929, section 5, chapter 16, Laws of 1931, section 1, chapter 64, Laws of 1969 and RCW 24.32.110;
- (20) Section 12, chapter 115, Laws of 1921, section 2, chapter 64, Laws of 1969 and RCW 24.32.150;
- (21) Section 13, chapter 115, Laws of 1921, section 6, chapter 16, Laws of 1931, section 2, chapter 99, Laws of 1943 and RCW 24.32.160;
- (22) Section 14, chapter 115, Laws of 1921 and RCW 24.32.200;
- (23) Section 15, chapter 115, Laws of 1921, section 1, chapter 138, Laws of 1927, section 7, chapter 16, Laws of 1931, section 4, chapter 132, Laws of 1959, section 1, chapter 45, Laws of 1982 and RCW 24.32.210;
- (24) Section 16, chapter 115, Laws of 1921 and RCW 24.32.240;
- (25) Section 17, chapter 115, Laws of 1921, section 1, chapter 285, Laws of 1927, section 3, chapter 195, Laws of 1941 and RCW 24.32.250;
- (26) Section 18, chapter 115, Laws of 1921 and RCW 24.32.260;
- (27) Section 19, chapter 115, Laws of 1921 and RCW 24.32.270;
- (28) Section 20, chapter 115, Laws of 1921, section 4, chapter 195, Laws of 1941 and RCW 24.32.280;
- (29) Section 21, chapter 115, Laws of 1921, section 8, chapter 16, Laws of 1931, section 5, chapter 132, Laws of 1959 and RCW 24.32.290;
- (30) Section 22, chapter 115, Laws of 1921, section 1, chapter 86, Laws of 1979, section 37, chapter 297, Laws of 1981 and RCW 24.32.300;
- (31) Section 23, chapter 115, Laws of 1921, section 6, chapter 132, Laws of 1959 and RCW 24.32.310;
- (32) Section 23-a, chapter 115, Laws of 1921 and RCW 24.32.320;
- (33) Section 24, chapter 115, Laws of 1921 and RCW 24.32.330;
- (34) Section 25, chapter 115, Laws of 1921 and RCW 24.32.340;
- (35) Section 26, chapter 115, Laws of 1921 and RCW 24.32.350;
- (36) Section 27, chapter 115, Laws of 1921 and RCW 24.32.355;
- (37) Section 28, chapter 115, Laws of 1921, section 68, chapter 81, Laws of 1971, section 25, chapter 202, Laws of 1988 and RCW 24.32.360;
- (38) Section 29, chapter 115, Laws of 1921 and RCW 24.32.400;
- (39) Section 30, chapter 115, Laws of 1921 and RCW 24.32.410;
- (40) Section 31, chapter 115, Laws of 1921 and RCW 24.32.900; and
- (41) Section 14, chapter 457, Laws of 1987 and RCW 21.20.321."

On page 1, line 1 of the title, after "associations;" strike the remainder of the title and insert "amending RCW 18.11.070, 23.86.010, 23.86.030, 23.86.050, 23.86.070, 23.86.080, 23.86.090, 23.86.100, 23.86.160, 23.86.195, 23.86.210, 23.86.220, 23.86.230, 15.35.240, 20.01.030, 24.06.360, 43.07.120, 43.07.130, 43.07.190, and 23A.32.050; reenacting and amending RCW 21.20.320; adding new sections to chapter 23.86 RCW; creating a new section; and repealing RCW 23.86.040, 23.86.060, 23.86.110, 23.86.120, 23.86.130, 23.86.140, 23.86.150, 23.86.180, 24.32.010, 24.32.020, 24.32.030, 24.32.040, 24.32.050, 24.32.060, 24.32.070, 24.32.080, 24.32.090, 24.32.100, 24.32.110, 24.32.150, 24.32.160, 24.32.200, 24.32.210, 24.32.240, 24.32.250, 24.32.260, 24.32.270, 24.32.280, 24.32.290, 24.32.300, 24.32.310, 24.32.320, 24.32.330, 24.32.340, 24.32.350, 24.32.355, 24.32.360, 24.32.400, 24.32.410, 24.32.900, and 21.20.321."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Doty, Grant, McLean, H. Myers, Rasmussen and Youngsman.

Absent: Representatives Kremen, Vice Chair; Chandler, Jesernig and Youngsman.

Passed to Committee on Rules for second reading.

March 21, 1989

ESSB 5098 Prime Sponsor, Committee on Energy & Utilities: Regulating telecommunication companies. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Gallagher, Jacobsen, Jesernig, May, R. Meyers, H. Myers and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representative Dick Nelson, Chair.

Absent: Representatives Miller.

Passed to Committee on Rules for second reading.

March 21, 1989

SSB 5138 Prime Sponsor, Committee on Transportation: Specifying inspection fees for vehicles previously registered in other states or countries. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 22, after "shall be" strike "ten" and insert "fifteen"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betrozoff, Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representative Zellinsky.

Absent: Representative Cantwell.

Passed to Committee on Rules for second reading.

March 21, 1989

SSB 5184 Prime Sponsor, Committee on Transportation: Regulating limousine operators. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 19, after "transportation of" strike the remainder of subsection 5 and insert "a person or group of persons, who, under a single contract, acquires the use of a limousine to travel to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the person or group of persons after having left the place of origin."

On page 3, following line 14, insert a new section to read as follows:

"NEW SECTION, Sec. 9. The commission, in cooperation with the Washington state patrol, shall develop rules for suncreening materials on limousines that meet the standards established in Chapter . Laws of 1989 (EHB 1664)."

Renumber the remaining sections consecutively.

On page 7, line 5, after "through" strike "16" and insert "17"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Heavey, Jones, R. Meyers, Nelson, Patrick, Prince and Todd.

MINORITY recommendation: Do not pass. Signed by Representatives Wood, Assistant Ranking Republican Member; Haugen and Zellinsky.

Voting nay: Representatives Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Hankins, Haugen, Kremen, Smith, D. Sommers, Walker, S. Wilson and Zellinsky.

Passed to Committee on Rules for second reading.

March 21, 1989

ESB 5364 Prime Sponsor, Senator Metcalf: Addressing plastic debris in marine environment. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature finds that the public health and safety is threatened by an increase in the amount of plastic garbage being deposited in the waters and on the shores of the state. To address this growing problem, the commissioner of public lands appointed the marine plastic debris task force which presented a state action plan in October 1988. It is necessary for the state of Washington to implement the action plan in order to:

- (1) Cleanup and prevent further pollution of the state's waters and aquatic lands;
- (2) Increase public awareness;
- (3) Coordinate federal, state, local, and private efforts;
- (4) Foster the stewardship of the aquatic lands of the state.

NEW SECTION, Sec. 2. As used in this chapter:

(1) 'Department' means the department of natural resources.

(2) 'Action plan' means the marine plastic debris action plan of October 1988 as presented to the commissioner of public lands by the marine plastic debris task force.

NEW SECTION, Sec. 3. The department shall have the authority to coordinate implementation of the plan with appropriate state agencies including the parks and recreation commission and the departments of ecology, fisheries, and wildlife. The department is authorized to promulgate, in consultation with affected agencies, the necessary rules to provide for the cleanup and to prevent pollution of the waters of the state and aquatic lands by plastic and other marine debris.

NEW SECTION, Sec. 4. The department may enter into intergovernmental agreements with federal or state agencies and agreements with private parties deemed necessary by the department to carry out the provisions of this chapter.

NEW SECTION, Sec. 5. The department is the designated agency to coordinate implementation of the action plan and is authorized to hire such employees as are necessary to coordinate the plan among state and federal agencies, the private sector, and interested public groups and organizations. The department is authorized to contract, through an open bidding process, with interested parties to act as the information clearinghouse for marine plastic debris related issues.

NEW SECTION, Sec. 6. The department is authorized to accept, receive, disburse, and administer grants or funds or gifts from any source including private individuals, public entities, and the federal government to supplement the funds hereby appropriated to carry out the purposes of this chapter.

NEW SECTION, Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION, Sec. 9. Sections 1 through 6 of this act shall constitute a new chapter in Title 79 RCW."

On page 1, line 2 of the title, after "environment;" strike the remainder of the title and insert "adding a new chapter to Title 79 RCW; and declaring an emergency."

Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Schoon and Van Luvan.

Absent: Representative Sprengle.

Passed to Committee on Rules for second reading.

March 22, 1989

ESSB 5531 Prime Sponsor, Committee on Ways & Means: Revising provisions for the award for excellence in education program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representatives Dorn and P. King.

Passed to Committee on Rules for second reading.

March 22, 1989

ESB 5826 Prime Sponsor, Senator Bauer: Extending the student teaching pilot projects until December 1990. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representatives P. King and Schoon.

Referred to Committee on Appropriations.

MOTION

On motion of Mr. Heavey, the bills listed on today's supplemental committee reports under the fifth order of business were referred to the committees so designated.

MESSAGE FROM THE SENATE

March 22, 1989

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1339.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 10:00 a.m., Friday, March 24, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SEVENTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, March 24, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Baugher, Braddock, Bristow, Inslee and Miller. Representatives Baugher, Bristow, Inslee and Miller were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Susan Olsen and Janene Glasman. Prayer was offered by Rabbi Dov Gartenberg, Beth Shalom Conservative Congregation of Seattle.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE
FROM THE WASHINGTON STATE HISTORICAL SOCIETY

March 24, 1989

On this day in 1889, a local newspaper reported that in Illinois, a county court adjourned when a frozen twenty-eight pound Chinook salmon arrived in town, so that everyone would have a chance to honor "the great fruit of the Pacific Ocean." And wanted were "good boys to carry the Morning Globe." (Advertisement for newsboys in the Tacoma Morning Globe.)

On March 24, 1890 the Legislature established a school for training teachers, a normal school in Ellensburg. It later became Central Washington University.

On March 24, 1897 William Edwards was elected President of the University of Washington. He held office only until October, when he was forced out for trying to emphasize graduate education over undergraduate education.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 22, 1989

SSB 5001 Prime Sponsor, Committee on Economic Development & Labor: Making changes relating to the Washington ambassador program. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 30 insert the following:

*NEW SECTION. Sec. 2. A new section is added to chapter 43.31 RCW to read as follows:

State legislators who travel in other countries may be appointed as Washington ambassadors to represent the interests of the state of Washington in those countries. State legislators who are appointed as Washington ambassadors shall receive the same orientation and materials that other Washington ambassadors receive, and must comply with the same provisions that apply to other Washington ambassadors.*

Re-number remaining sections consecutively and correct internal references accordingly.

On page 1, line 1 of the title after "program;" strike "and"

On page 1, line 2 of the title after "43.31.381" insert "; and creating a new section in chapter 43.31 RCW"

Signed by Representatives Cantwell, Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Raiter, Rector, Schoon, Tate, Walk and Youngsman.

Absent: Representatives Wineberry, Vice Chair; and Kremen.

Passed to Committee on Rules for second reading.

March 22, 1989

ESSB 5014 Prime Sponsor, Committee on Law & Justice: Amending provisions regarding police dogs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers and Tate.

Absent: Representatives P. King and Wineberry.

Passed to Committee on Rules for second reading.

March 22, 1989

SB 5037 Prime Sponsor, Senator von Reichbauer: Changing the composition of the board of directors of incorporated domestic insurers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Day, Dorn, Inslee, Nutley, K. Wilson and Winsley.

Absent: Representative Schmidt.

Passed to Committee on Rules for second reading.

March 22, 1989

SSB 5085 Prime Sponsor, Committee on Financial Institutions & Insurance: Regulating financial planners. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Baugher, Beck, Crane, Day, Dorn, Nutley, and K. Wilson.

Voting nay: Representative Winsley.

Absent: Representatives P. King and Schmidt.

Passed to Committee on Rules for second reading.

March 23, 1989

SSB 5142 Prime Sponsor, Committee on Governmental Operations: Changing the year end fiscal report requirement. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representatives Horn, Nealey, Raiter and Todd.

Passed to Committee on Rules for second reading.

March 22, 1989

SB 5152 Prime Sponsor, Senator von Reichbauer: Amending insurance form filing requirements. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Crane, Day, Dorn, P. King, Nutley, K. Wilson and Winsley.

Absent: Representatives Anderson and Schmidt.

Passed to Committee on Rules for second reading.

March 22, 1989

SSB 5193 Prime Sponsor, Committee on Health Care & Corrections: Revising provisions of the optometry statutes. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 18, after "board" insert ", in conjunction with the board of pharmacy and the board of medical examiners."

Signed by Representatives Braddock, Chair; Day, Vice Chair; Cantwell, Morris, Prentice and Vekich.

MINORITY recommendation: Do not pass. Signed by Representatives Brooks, Ranking Republican Member; Chandler, D. Sommers, Sprengle and Wolfe.

Passed to Committee on Rules for second reading.

March 22, 1989

SSB 5241 Prime Sponsor, Committee on Economic Development & Labor: Promoting small business growth. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendment:

On page 3, beginning on line 16, after "means" strike "committees and commerce and labor committees of the senate and" and insert "committee and economic development and labor committee of the senate and the appropriations committee and trade and economic development committee of"

Signed by Representatives Cantwell, Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Raiter, Rector, Schoon, Tate, Walk and Youngsman.

Absent: Representative Wineberry, Vice Chair.

Referred to Committee on Appropriations.

March 22, 1989

ESSB 5275 Prime Sponsor, Committee on Energy & Utilities: Regulating high voltage fields. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 19, after "exposure to" strike "electromagnetic" and insert "electric and magnetic"

Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Cooper, Gallagher, Jesernig, R. Meyers and H. Myers.

MINORITY recommendation: Do not pass. Signed by Representatives Brooks and May.

Absent: Representatives Todd, Vice Chair; Jacobsen, R. Meyers, Miller and S. Wilson.

Referred to Committee on Appropriations.

March 22, 1989

ESB 5328 Prime Sponsor, Senator Bluechel: Revising provisions for the community economic revitalization board. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 5, after "area" insert "and create employment for Washington state residents"

Signed by Representatives Cantwell, Chair; Doty, Ranking Republican Member; G. Fisher, Kremen, Moyer, Rasmussen, Raiter, Rector, Schoon, Tate, Walk and Youngsman.

Absent: Representative Wineberry, Vice Chair.

Passed to Committee on Rules for second reading.

March 22, 1989

SSB 5474 Prime Sponsor, Committee on Law & Justice: Requiring testing and certification of English language interpreters in court. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough,

Dellwo, Hargrove, Inslee, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers and Tate.

Absent: Representative P. King.

Referred to Committee on Appropriations.

March 22, 1989

ESB 5519 Prime Sponsor, Senator Rinehart: Regarding collaborative projects between higher education institutions, schools, and school districts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Brumsickle, Cole, Fuhrman, Holland, Horn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representative P. King.

Referred to Committee on Higher Education.

March 22, 1989

ESB 5631 Prime Sponsor, Senator West: Creating an interstate trade compact. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Cantwell, Chair; Doty, Ranking Republican Member, G. Fisher, Moyer, Rasmussen, Raiter, Rector, Schoon, Tate, Walk and Youngsman.

Absent: Representative Wineberry, Vice Chair.

Referred to Committee on Appropriations.

March 23, 1989

SSB 5633 Prime Sponsor, Committee on Education: Establishing a foreign language pilot program for elementary schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betrozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representative P. King.

Referred to Committee on Appropriations.

March 22, 1989

SB 5636 Prime Sponsor, Senator Smitherman: Revising the state/federal relationship regarding unemployment compensation benefits, recovery, and confidentiality. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Referred to Committee on Appropriations.

March 23, 1989

SSB 5663 Prime Sponsor, Committee on Governmental Operations: Authorizing counties to defend county officials in recall actions. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representatives Horn, Nealey, Raiter and Todd.

Passed to Committee on Rules for second reading.

March 22, 1989

SB 5705 Prime Sponsor, Senator Benitz: Requiring the energy facility site evaluation council to consider the extent of carbon dioxide emissions by

thermal plant facilities seeking certification. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Gallagher, Jesernig, May, R. Meyers and H. Myers.

Absent: Representatives Todd, Vice Chair; Jacobsen, R. Meyers, Miller and S. Wilson.

Referred to Committee on Appropriations.

March 22, 1989

SB 5731 Prime Sponsor, Senator von Reichbauer: Allowing investment in government obligations. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Crane, Day, Dorn, Inslee, Nutley and K. Wilson.

Absent: Representatives P. King and Schmidt.

Passed to Committee on Rules for second reading.

March 22, 1989

SB 5736 Prime Sponsor, Senator Bailey: Modifying local funding requirements for school construction. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 3, after line 1, insert the following section:

"Sec. 2. Section 3, chapter 244, Laws of 1969 ex. sess. as amended by section 2, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.802 are each amended to read as follows:

In allotting the state funds provided by RCW 28A.47.800 through 28A.47.811 (~~and in accordance with student enrollment as computed for the purposes of RCW 28A.41-146~~;) the state board of education shall:

(1) Prescribe rules and regulations not inconsistent with RCW 28A.47.800 through 28A.47.811 governing the administration, control, terms, conditions, and disbursement of allotments to school districts to assist them in providing school plant facilities;

(2) Approve, whenever the board deems such action advisable, allotments to districts that apply for state assistance;

(3) Authorize the payment of approved allotments by warrant of the state treasurer; and

(4) In the event that the amount of state assistance applied for pursuant to the provisions hereof exceeds the funds available for such assistance during any biennium, make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance or prorate allotments among such districts in conformity with procedures and regulations applicable thereto which shall be established by the board.

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "28A.47.801," insert "28A.47.802,"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representative P. King.

Referred to Committee on Capital Facilities & Financing.

March 22, 1989

SB 5987 Prime Sponsor, Senator Benitz: Allowing use of alternative fuels. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendment:

On page 2, after line 1, insert:

"(c) For planned purchases of vehicles using alternative fuels, the department and other state agencies shall explore opportunities to purchase these vehicles together with other state agencies, local governments, or private organizations for less cost."

Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Gallagher, Jesernig, May, R. Meyers and H. Myers.

Absent: Representatives Jacobsen, Miller and S. Wilson.

Passed to Committee on Rules for second reading.

March 22, 1989

SB 5992 Prime Sponsor, Senator Benitz: Requiring the department of agriculture to develop a guide on ethanol and methanol. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Gallagher, Jesernig, May, R. Meyers and H. Myers.

Absent: Representatives Jacobsen, Miller and S. Wilson.

Referred to Committee on Appropriations.

March 22, 1989

SJM 8010 Prime Sponsor, Senator West: Requesting Idaho and Oregon to enter into the joint trade compact. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Cantwell, Chair; Doty, Ranking Republican Member; G. Fisher, Moyer, Rasmussen, Raiter, Rector, Schoon, Tate, Walk and Youngsman.

Absent: Representative Wineberry, Vice Chair.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Ebersole, the bills and memorial listed on today's introduction sheet under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 89-4648, by Representatives Kremen and Braddock

WHEREAS, Excellence in education is the most valuable achievement a local community can contribute to the well-being of this state's economy and society; and

WHEREAS, The quality of our schools is a clear indicator of the quality of our future; and

WHEREAS, The Blaine School District, with the active support of its business community, school board, administrators, teachers, students and parents has created a local tradition of excellence in education that is a model for communities across our state; and

WHEREAS, The Blaine School District has won National Excellence in Education awards from the U.S. Department of Education for its outstanding high school (1984-85) and its middle school (1985-86); and

WHEREAS, The district's elementary school was selected as one of only seven exemplary programs nationwide on which the Department of Education's "James Madison Elementary School" model was based; and

WHEREAS, Jim Jorgenson, a Science Teacher at Blaine High School, has been named AT&T/Pacific Science Center Science Teacher of the Year for the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of Washington State congratulate, honor and applaud the achievements of the Blaine School District and the community of Blaine for providing outstanding educational opportunities for their young people and for serving as a model for all communities in our state.

Mr. Kremen moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4648 was adopted.

HOUSE FLOOR RESOLUTION NO. 89-4626, by Representatives Jacobsen Cole, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, Dr. William A. "Sandy" MacColl of Seattle was instrumental in uniting physicians, consumers, unions, business people and Grange members into a coalition that created Group Health Cooperative of Puget Sound; and

WHEREAS, Group Health Cooperative of Puget Sound became one of the nation's first health maintenance organizations, and it now serves one out of every eleven Washington State residents; and

WHEREAS, Dr. William A. "Sandy" MacColl was Executive Director of Group Health Cooperative during its difficult formative years; and

WHEREAS, Dr. William A. "Sandy" MacColl was a beloved and respected pediatrician who made significant contributions to his community and country, including serving as a Captain in the United States Army Air Corps, helping to found the Hood Canal Cooperative, volunteering with the Evergreen Stroke Association and serving on the Board of the Consumers Union; and

WHEREAS, The loss of Dr. William A. "Sandy" MacColl through death on February 20, 1989 is a grievous loss to the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize Dr. William A. "Sandy" MacColl's significant contributions, accomplishments and personal qualities and extend heartfelt sympathy to his family and friends; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Dr. William A. "Sandy" MacColl's family.

Ms. Cole moved adoption of the resolution. Representatives Cole, Jacobsen and Moyer spoke in favor of the resolution.

On motion of Mr. Jacobsen, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 89-4626 was adopted.

HOUSE FLOOR RESOLUTION NO. 89-4650, by Representatives Betzoff, Patrick, Van Luven, Miller, Ferguson and Holland

WHEREAS, The Redmond High School Boys' Basketball Team won the Washington State High School AAA Basketball Tournament on March 11, 1989 with a 59-50 win over Garfield High School; and

WHEREAS, The Redmond High School Boys' Basketball Team is only the second team in at least twenty years to win the boys' AAA Basketball Tournament two years in a row; and

WHEREAS, The Redmond High School Boys' Basketball Team played in the Sea-King District of the KingCo League and had a regular season record of twenty-two wins, four losses and a season record of twenty-six wins, four losses; and

WHEREAS, The team is coached by Head Coach Jerry Koester and Assistant Coaches Bob Becker and Todd Pederson; and

WHEREAS, The senior members of the team are Grant Harder, Sean Farstad, J. T. D'Amico, Jack Estep, Gary Patterson and David Rockwood; and

WHEREAS, The other members of the team are Shawn Batstone, Jeff Dick, Brian Lewallen, Rob Hines, Jeff Lehmeyer and Derek Looney; and

WHEREAS, Gary Patterson and David Rockwood were named to the All-Tournament first team, and Jack Estep was named to the second team. Jack Estep and Gary Patterson were selected for the McDonald's All-American Team;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor the team for its achievements and winning spirit; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each coach and member of the Redmond High School Boys' Basketball Team.

Mr. Betzoff moved adoption of the resolution. Representatives Betzoff, Patrick, Ferguson, Van Luven, May and Wineberry spoke in favor of the resolution.

House Floor Resolution No. 89-4650 was adopted.

MOTIONS

On motion of Mr. Heavey, Senate Bill No. 5054 was referred from Committee on Rules to Committee on Appropriations.

On motion of Mr. Heavey, Substitute Senate Bill No. 5196 was referred from Committee on Rules to Committee on Capital Facilities & Financing.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 10:00 a.m., Monday, March 27, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SEVENTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, March 27, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick and Chandler.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Chris Loper and Kari Prosser. Prayer was offered by Dr. Walter Pulliam, Minister of the First Baptist Church of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE
FROM THE WASHINGTON STATE HISTORICAL SOCIETY

March 27, 1989

On this day in 1889, the steamship "Henry Bailly" defeated the "Skagit Chief" in a race on Puget Sound; the losing boat waited too long before breaking up the cabin furniture for fuel. And fine lignite coal of the best grade was reported found in Cowlitz County at Silver Lake.

On March 27, 1890 the State Legislature formally established the University of Washington, whose "objects ... shall be to provide the best and most efficient means of imparting to young men and women on equal terms a liberal education and thorough knowledge of the different branches of literature, the arts and sciences, with their varied applications." The University had offered classes since 1861 and existed legally since 1855.

On March 27, 1976 the Kingdome in Seattle opened. The first sports event, April 9, was a soccer match between the Seattle Sounders and the New York Cosmos.

On this day in 1986, as logging ceased at Camps Grisdale and Govey after forty years, ten million dollars of logging equipment was auctioned.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 23, 1989

HB 1479 Prime Sponsor, Representative Locke: Making appropriations for the 1987-89 biennium. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Dorn, Doty, Ferguson, Holland, May, McLean, Rust, Sayan, Spanel, Sprenkle, Valle and Wang.

MINORITY recommendation: Do not pass. Signed by Representative Padden.

Absent: Representatives Silver, Ranking Republican Member; Bristow, Brough, Ebersole, Hine and Wineberry.

Passed to Committee on Rules for second reading.

March 23, 1989

HB 1737 Prime Sponsor, Representative H. Sommers: Revising provisions for crime victims' compensation. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Brough, Dorn, Doty, Ebersole, Ferguson, May, McLean, Nealey, Padden, Rust, Spanel, Sprengle, Valle and Wang.

Absent: Representatives Silver, Ranking Republican Member; Brough, Hine and Wineberry.

Passed to Committee on Rules for second reading.

March 23, 1989

ESB 5121 Prime Sponsor, Senator Fleming: Creating a mobile substance abuse awareness program. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 25 after "abuse" and before "to" insert ", including law enforcement personnel."

On page 3, after line 5 insert a new section to read as follows:

"NEW SECTION. Sec. 5. Nothing in sections 2 and 3 of this act or in RCW 28A.120.030 through 28A.120.050 shall preclude the superintendent of public instruction from coordinating the mobile substance abuse awareness program with other public and private substance abuse awareness programs or programs with a substance abuse awareness component: PROVIDED, That such public and private programs shall not supplant the mobile substance abuse awareness program."

Renumber the remaining sections consecutively

On page 3, line 11 strike "4" and insert "5"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Betzoff, Ranking Republican Member; Brunsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representative P. King.

Referred to Committee on Appropriations.

March 23, 1989

SSB 5144 Prime Sponsor, Committee on Governmental Operations: Preserving documents recorded with the county auditors. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature, finding in this centennial year that many old documents recorded or filed with county officials are deteriorating due to age and environmental degradation and that such documents require preservation in the public interest before they are irreparably damaged, enacts the centennial document preservation act of 1989.

NEW SECTION. Sec. 2. Each county auditor is hereby authorized to provide for the installation and thereafter for the maintenance of an improved system for copying, preserving, and indexing documents recorded in the county. Such a system may utilize the latest technology including, but not limited to, photomicrographic and computerized electronic digital storage methodology. The initial installation of the improved system shall include the following:

(1) The acquisition, installation, operation, and maintenance of the equipment provided for in the definition above; and

(2) The establishment of procedures for the continued preservation, indexing, and filing of all instruments and records that will, after the effective installation date, constitute a part of the improved system.

NEW SECTION. Sec. 3. A surcharge of two dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. Fifty percent of the revenue generated through this surcharge shall be transmitted monthly to the state treasurer who shall distribute such funds to each county treasurer within the state in July of each year in accordance with the formula described in section 5 of this act. The county treasurer shall place the funds received in a special account titled the auditor's centennial document preservation and modernization account to be used solely for the purpose authorized by this chapter and shall not be added to the county current expense fund. Fifty percent of the revenue generated by this surcharge shall be retained by the county and deposited in the auditor's operation and maintenance fund for ongoing preservation of historical documents. The portion of the surcharge transmitted to the state treasurer shall expire January 1, 1995, at which time the surcharge authorized in this section shall be reduced to one dollar per instrument.

The centennial document preservation and modernization account is hereby created in the custody of the state treasurer and shall be classified as a treasury trust account. State distributions from the centennial document preservation and modernization account shall be made without appropriation.

NEW SECTION. Sec. 4. The state treasurer may charge the fund for the actual costs of collecting, administering, and disbursing the funds but the charge shall not exceed one percent of the funds collected. The state treasurer shall invest funds while in the department's custody in accordance with existing laws and the interest earned will be added to the fund.

NEW SECTION. Sec. 5. After deduction of those costs of the state treasurer that are described under section 4 of this act, the balance of the funds will be distributed to the counties according to the following formula: One-half of the funds available shall be equally distributed among the thirty-nine counties; and the balance will be distributed among the counties in direct proportion to their population as it relates to the total state's population based on the most recent population statistics.

Sec. 6. Section 36.18.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 230, Laws of 1987 and RCW 36.18.010 are each amended to read as follows:

County auditors shall collect the following fees for their official services:

For recording instruments, for the first page, legal size (eight and one-half by thirteen inches or less), five dollars; for each additional legal size page, one dollar;

For preparing and certifying copies, for the first legal size page, three dollars; for each additional legal size page, one dollar;

For preparing noncertified copies, for each legal size page, one dollar;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing a marriage license, eight dollars. (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund, which five-dollar fee shall expire June 30, 1988, plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

For searching records per hour, eight dollars;

For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

For recording of miscellaneous records, not listed above, for first legal size page, five dollars; for each additional legal size page, one dollar;

For modernization and improvement of the recording and indexing system, a surcharge as provided in section 3 of this act.

NEW SECTION. Sec. 7. Sections 2 through 5 of this act are each added to chapter 36.18 RCW.*

On page 1, line 2 of the title, after "auditors," strike the remainder of the title and insert "amending RCW 36.18.010; adding new sections to chapter 36.18 RCW; and creating a new section."

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representatives Horn and Todd.

Passed to Committee on Rules for second reading.

March 22, 1989

SSB 5208 Prime Sponsor, Committee on Law & Justice: Creating the Washington condominium act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers and Tate.

Absent: Representative P. King.

Passed to Committee on Rules for second reading.

March 23, 1989

SSB 5214 Prime Sponsor, Committee on Children & Family Services: Mandating abuse and neglect reporting. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Hargrove, Leonard, Padden, Raiter and Winsley.

Absent: Representative Padden.

Passed to Committee on Rules for second reading.

March 23, 1989

SSB 5297 Prime Sponsor, Committee on Governmental Operations: Disallowing secret ballot voting at open public meetings. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector and Sayan.

Absent: Representative Silver.

Passed to Committee on Rules for second reading.

March 23, 1989

SSB 5324 Prime Sponsor, Committee on Environment & Natural Resources: Continuing interagency committee for outdoor recreation. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

On page 3, after line 10 insert the following:

"Sec. 3. Section 13, chapter 5, Laws of 1965 as last amended by section 2, chapter 206, Laws of 1981 and RCW 43.99.130 are each amended to read as follows:

When requested by the committee, members employed by the state shall furnish assistance to the committee from their departments for the analysis and review of proposed plans and projects, and such assistance shall be a proper charge against the appropriations to the several agencies represented on the committee. Assistance may be in the form of money, personnel, or equipment and supplies, whichever is most suitable to the needs of the committee.

~~((The committee shall employ a director and may employ an assistant director to serve at the pleasure of the committee and shall appoint such professional, technical, and clerical personnel and other assistants and employees as may be necessary to carry out the work of the committee.))~~

The director shall be appointed by, and serve at the pleasure of, the governor. The director shall have background and experience in the areas of recreation management and policy. The director shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The director shall appoint such personnel as may be necessary to carry out the duties of the committee. Not more than three employees appointed by the director shall be exempt from the provisions of chapter 41.06 RCW."

Renumber the remaining sections consecutively.

On page 1, line 2 of the title, after "43.99.020," insert "43.99.130."

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; Hankins, Morris, O'Brien, Rector and Sayan.

MINORITY recommendation: Without recommendation. Signed by Representatives McLean, Ranking Republican Member; and R. King.

Absent: Representative Silver.

Passed to Committee on Rules for second reading.

March 22, 1989

SSB 5350 Prime Sponsor, Committee on Law & Justice: Providing for appointment of mental health commissioners. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 11 strike "commissioners" and insert "legislative authority"

On page 1, line 12 strike "competent persons" and insert "attorneys"

On page 1, line 23 strike "commissioners" and insert "legislative authority"

On page 1, line 23 after "determine," insert "The appointments may be full or part-time positions. A person appointed as a mental health commissioner may also be appointed to any other commissioner position authorized by law."

On page 2, beginning on line 18 strike subsection (7)

On page 3, beginning on line 6 strike subsection (7)

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Insee, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers and Tate.

Absent: Representatives P. King and Wineberry.

Passed to Committee on Rules for second reading.

March 23, 1989

SSB 5362 Prime Sponsor, Committee on Health Care & Corrections: Regulating the administration of antipsychotic medications. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 6, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.010 are each amended to read as follows:

The provisions of this chapter are intended by the legislature:

(1) To end inappropriate, indefinite commitment of mentally disordered persons and to eliminate legal disabilities that arise from such commitment;

(2) To provide prompt evaluation and short term treatment of persons with serious mental disorders;

(3) To safeguard individual rights;

(4) To provide continuity of care for persons with serious mental disorders;

(5) To encourage the full use of all existing agencies, professional personnel, and public funds to prevent duplication of services and unnecessary expenditures;

(6) To encourage, whenever appropriate, that services be provided within the community;

(7) To protect the public safety.

Sec. 2. Section 7, chapter 142, Laws of 1973 1st ex. sess. as amended by section 5, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.020 are each amended to read as follows:

For the purposes of this chapter:

(1) 'Gravely disabled' means a condition in which a person, as a result of a mental disorder: (a) is in danger of serious physical harm resulting from a failure to provide for his essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(2) 'Mental disorder' means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions;

(3) 'Likelihood of serious harm' means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self, (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm, or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others;

(4) 'Peace officer' means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(5) 'Judicial commitment' means a commitment by a court pursuant to the provisions of this chapter;

(6) 'Public agency' means any evaluation and treatment facility or institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(7) 'Private agency' means any person, partnership, corporation, or association not defined as a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, hospital, or sanitarium, which is conducted for, or includes a department or ward conducted for the care and treatment of persons who are mentally ill;

(8) 'Attending staff' means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(9) 'Department' means the department of social and health services of the state of Washington;

(10) 'Secretary' means the secretary of the department of social and health services, or his designee;

(11) 'Mental health professional' means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(12) 'Professional person' shall mean a mental health professional, as above defined, and shall also mean a physician, registered nurse, and such others as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(13) 'Psychiatrist' means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association;

(14) 'Psychologist' means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(15) 'Social worker' means a person with a master's or further advanced degree from an accredited school of social work or a degree from a graduate school deemed equivalent under rules and regulations adopted by the secretary;

(16) 'Evaluation and treatment facility' means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and short term inpatient care to persons suffering from a mental disorder, and which is certified as such by the department of social and health services: PROVIDED, That a physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility: PROVIDED FURTHER, That a facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification: AND PROVIDED FURTHER, That no correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(17) 'Antipsychotic medications,' also referred to as 'neuroleptics,' means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders and currently includes phenothiazines, thioxanthenes, butyrophenone, dihydroindolone, and dibenzoxazine.

Sec. 3. Section 17, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 301, chapter 212, Laws of 1987 and RCW 71.05.120 are each amended to read as follows:

(1) No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor any county designated mental health professional, nor the state, a unit of local government, or an evaluation and treatment facility shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to admit, release, administer antipsychotic medications on an emergency basis, or detain a person for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

(2) This section does not relieve a person from giving the required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the duty to warn or to take reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel.

Sec. 4. Section 18, chapter 142, Laws of 1973 1st ex. sess. as amended by section 8, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.130 are each amended to read as follows:

In any judicial proceeding for involuntary commitment or detention, or administration of antipsychotic medication, or in any proceeding challenging such commitment or detention, or administration of antipsychotic medication, the prosecuting attorney for the county in which the proceeding was initiated shall represent the individuals or agencies petitioning for commitment or detention or administration of antipsychotic medication and shall defend all challenges to such commitment or detention or administration of antipsychotic medication: PROVIDED, That after January 1, 1980, the attorney general shall represent and provide legal services and advice to state hospitals or institutions with regard to all provisions of and proceedings under this chapter except in proceedings initiated by such hospitals and institutions seeking fourteen day detention and administration of antipsychotic medication.

Sec. 5. Section 25, chapter 142, Laws of 1973 1st ex. sess. as amended by section 13, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.200 are each amended to read as follows:

(1) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both ~~((he))~~ the person and, if possible, a responsible member of his or her immediate family, guardian, or conservator, if any, shall be advised as soon as possible in writing or orally, by the officer or person taking him or her into custody or by personnel of the evaluation and treatment facility where ~~((he))~~ the person is detained that unless ~~((he))~~ the person is released or voluntarily admits himself or herself for treatment within seventy-two hours of the initial detention:

(a) That a judicial hearing in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-two hours after the initial detention to determine

whether there is probable cause to detain ~~(him)~~ the person after the seventy-two hours have expired for up to an additional fourteen days without further automatic hearing for the reason that ~~(he)~~ the person is a mentally ill person whose mental disorder presents a likelihood of serious harm to others or himself or herself or that ~~(he)~~ the person is gravely disabled:

(b) That ~~(he)~~ the person has a right to communicate immediately with an attorney; ~~(he)~~ has a right to have an attorney appointed to represent him or her before and at the probable cause hearing if he or she is indigent; and ~~(he)~~ has the right to be told the name and address of the attorney the mental health professional has designated pursuant to this chapter;

(c) That ~~(he)~~ the person has the right to remain silent and that any statement he or she makes may be used against him or her;

(d) That ~~(he)~~ the person has the right to present evidence and to cross-examine witnesses who testify against him or her at the probable cause hearing; and

(e) That ~~(he)~~ the person has the right to refuse medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(2) When proceedings are initiated under RCW 71.05.150 (2), (3), or (4)(b), no later than twelve hours after such person is admitted to the evaluation and treatment facility the personnel of the evaluation and treatment facility or the designated mental health professional shall serve on such person a copy of the petition for initial detention and the name, business address, and phone number of the designated attorney and shall forthwith commence service of a copy of the petition for initial detention on said designated attorney.

(3) The judicial hearing described in subsection (1) of this section is hereby authorized, and shall be held according to the provisions of subsection (1) of this section and rules promulgated by the supreme court.

Sec. 6. Section 26, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 439, Laws of 1987 and RCW 71.05.210 are each amended to read as follows:

Each person involuntarily admitted to an evaluation and treatment facility shall, within twenty-four hours of his or her admission, be examined and evaluated by a licensed physician who may be assisted by a physician's assistant according to chapter 18.71A RCW or a nurse practitioner according to chapter 18.88 RCW and a mental health professional as defined in this chapter, and shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a court proceeding, the individual may refuse all but emergency life-saving treatment, and the individual shall be informed at an appropriate time of his or her right to such refusal of treatment. Such person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm to himself or herself or others, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

If, after examination and evaluation, the licensed physician and mental health professional determine that the initial needs of the person would be better served by placement in an alcohol treatment facility, then the person shall be referred to an approved treatment facility defined under RCW 70.96A.020.

An evaluation and treatment center admitting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated county mental health professional and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 7. Section 30, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 6, chapter 439, Laws of 1987 and RCW 71.05.250 are each amended to read as follows:

At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

- (1) To present evidence on his or her behalf;
- (2) To cross-examine witnesses who testify against him or her;
- (3) To be proceeded against by the rules of evidence;
- (4) To remain silent;
- (5) To view and copy all petitions and reports in the court file.

The physician-patient privilege or the psychologist-client privilege shall be deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contains opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

Sec. 8, Section 42, chapter 142, Laws of 1973 1st ex. sess. as amended by section 26, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.370 are each amended to read as follows:

Insofar as danger to the individual or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

(1) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(2) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(3) To have access to individual storage space for his or her private use;

(4) To have visitors at reasonable times;

(5) To have reasonable access to a telephone, both to make and receive confidential calls;

(6) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(7) Not to consent to the performance of shock treatment, the administration of antipsychotic medications, or surgery, except emergency life-saving surgery, (~~upon him;~~) and not to have shock treatment, antipsychotic medications, or nonemergency surgery in such circumstance unless ordered by a court of competent jurisdiction pursuant to (~~a judicial hearing in which the person is present and represented by counsel, and the court shall appoint a psychiatrist, psychologist, or physician designated by such person or his counsel to testify on behalf of such person~~) the following standards and procedures:

(a) Shock treatment and the administration of antipsychotic medication shall not be ordered unless the petitioning party proves by clear, cogent, and convincing evidence that there exists a compelling state interest that justifies overriding the patient's lack of consent to shock treatment or the administration of antipsychotic medications, that the proposed treatment is necessary and effective, and that medically acceptable alternative forms of treatment are not available, have not been successful, or are not likely to be effective.

(b) The court shall make specific findings of fact concerning: (i) The existence of one or more compelling state interests; (ii) the necessity and effectiveness of the treatment; and (iii) the person's desires regarding the proposed treatment. If the patient is unable to make a rational and informed decision about consenting to or refusing the proposed treatment, the court shall make a substituted judgment for the patient as if he or she were competent to make such a determination.

(c) The person shall be present at any hearing on a request to administer shock treatment or antipsychotic medications filed pursuant to this subsection. The person has the right: (i) To be represented by an attorney; (ii) to present evidence; (iii) to cross-examine witnesses; (iv) to have the rules of evidence enforced; (v) to remain silent; (vi) to view and copy all petitions and reports in the court file; and (vii) to be given reasonable notice and an opportunity to prepare for the hearing. The court may appoint a psychiatrist, psychologist within their scope of practice, or physician to examine and testify on behalf of such person. The court shall appoint a psychiatrist, psychologist within their scope of practice, or physician designated by such person or the person's counsel to testify on behalf of the person in cases where an order for shock treatment is sought.

(d) An order for the administration of antipsychotic medications entered following a hearing conducted pursuant to this section shall be effective for the period of the current involuntary treatment order, any succeeding order entered pursuant to RCW 71.05.320(1), and any interim period during which the person is awaiting trial or hearing on a new petition for involuntary treatment or involuntary medication. Upon a request timely filed, a review of any such medication order shall be conducted by the court at the hearing on a petition filed pursuant to RCW 71.05.300. If a succeeding involuntary treatment order is entered pursuant to RCW 71.05.320(2), a person who refuses to consent to the administration of antipsychotic medications shall be entitled to an evidentiary hearing in accordance with this section.

(e) Antipsychotic medication may be administered to a nonconsenting person detained or committed pursuant to this chapter without a court order under the following circumstances:

(i) A person presents an imminent likelihood of serious harm to self or others;

(ii) Medically acceptable alternatives to administration of antipsychotic medications are not available, have not been successful, or are not likely to be effective; and

(iii) In the opinion of the physician with responsibility for treatment of the person, or his or her designee, the person's condition constitutes an emergency requiring the treatment be instituted before a judicial hearing as authorized pursuant to this section can be held.

If antipsychotic medications are administered over a person's lack of consent pursuant to this subsection, a petition for an order authorizing the administration of antipsychotic medications shall be filed on the next judicial day. The hearing shall be held within two judicial days. If deemed necessary by the physician with responsibility for the treatment of the person, administration of antipsychotic medications may continue until the hearing is held;

(8) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue;

(9) Not to have psychosurgery performed on him or her under any circumstances.

NEW SECTION, Sec. 9. A new section is added to chapter 71.34 RCW to read as follows:

For the purposes of administration of antipsychotic medication and shock treatment, the provisions of this act apply to minors pursuant to chapter 71.34 RCW.

NEW SECTION, Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "medications;" strike the remainder of the title and insert "amending RCW 71.05.010, 71.05.020, 71.05.120, 71.05.130, 71.05.200, 71.05.210, 71.05.250, and 71.05.370; adding a new section to chapter 71.34 RCW; and declaring an emergency."

Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Leonard, Padden, Raiter and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative Hargrove.

Absent: Representative Padden.

Passed to Committee on Rules for second reading.

March 23, 1989

ESB 5370 Prime Sponsor, Senator Gaspard: Regarding school self-study.
Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Cole, Dorn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Valle and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Berezoff, Ranking Republican Member; Brumsickle, Fuhrman, Holland, Horn, Schoon and Walker.

Absent: Representative P. King.

Passed to Committee on Rules for second reading.

March 23, 1989

SB 5403 Prime Sponsor, Senator McCaslin: Providing for greater cost efficiency in disposing of state surplus property. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 24, after "state" insert ", The division of purchasing shall maintain a record of disposed surplus property, including date and method of disposal, identity of any recipient, and approximate value of the property"

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector and Sayan..

Absent: Representative Silver.

Passed to Committee on Rules for second reading.

March 23, 1989

SSB 5469 Prime Sponsor, Committee on Health Care & Corrections: Revising record release criteria for alcoholism treatment facility patients.
Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member, Tate, Assistant Ranking Republican Member; Anderson, Brekke, Hargrove, Leonard, Padden, Raiter and Winsley.

Absent: Representative Padden.

Passed to Committee on Rules for second reading.

March 23, 1989

SSB 5547 Prime Sponsor, Committee on Health Care & Corrections: Regarding payment of jail processing costs by criminal defendants. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Schmidt, Scott, D. Sommers and Tate.

MINORITY recommendation: Do not pass. Signed by Representative Patrick.

Absent: Representatives Locke and Wineberry.

Passed to Committee on Rules for second reading.

March 23, 1989

SSB 5567 Prime Sponsor, Committee on Law & Justice: Clarifying district court fees. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 3.62 RCW to read as follows:

All courts organized under Title 3 or 35 RCW may charge fees as prescribed in RCW 3.62.060.

Sec. 2. Section 110, chapter 299, Laws of 1961 as last amended by section 2, chapter 382, Laws of 1987 and RCW 3.62.060 are each amended to read as follows:

Clerks of the district courts shall collect the following fees for their official services:

(1) In any civil action commenced before or transferred to a district court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of twenty-five dollars. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action other than those listed in this section.

(2) For demanding jury in a civil case, a fee of thirty-five dollars, to be paid by the person demanding jury."

On page 1, line 1 of the title, after "fees," strike the remainder of the title and insert "amending RCW 3.62.060; and adding a new section to chapter 3.62 RCW."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Inslee, P. King, Moyer, Patrick, Schmidt, Scott, D. Sommers and Tate.

MINORITY recommendation: Do not pass. Signed by Representatives Brough, R. Meyers and H. Myers.

Absent: Representatives Locke and Wineberry.

Passed to Committee on Rules for second reading.

March 23, 1989

SB 5579 Prime Sponsor, Senator McCaslin: Authorizing state agencies to report past due accounts receivable to credit reporting agencies. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.88 RCW to read as follows:

State agencies may report past due accounts receivable to credit reporting agencies whenever the agency determines that such reporting would be cost-effective and does not violate confidentiality or other legal requirements. Within thirty-five days after satisfaction of a debt reported to a credit reporting agency, the state agency reporting the debt shall notify the credit reporting agency that the debt has been satisfied.

NEW SECTION. Sec. 2. The office of financial management shall examine the potential of devising a central debtor identification system containing the names of persons owing substantial amounts to the state, together with the amounts owed, and providing for the automatic identification of such persons prior to the making of any state payment to them. The examination shall include the estimated costs and benefits of such a system."

On page 1, line 2 of the title, after "agencies;" strike the remainder of the title and insert "adding a new section to chapter 43.88 RCW; and creating a new section."

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector and Sayan.

Absent: Representative Silver.

Passed to Committee on Rules for second reading.

March 23, 1989

SB 5580 Prime Sponsor, Senator McCaslin: Allowing write-offs of uncollectible accounts. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector and Sayan.

Absent: Representative Silver.

Passed to Committee on Rules for second reading.

March 23, 1989

SSB 5581 Prime Sponsor, Committee on Governmental Operations: Establishing liability for state trust funds. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to Title 43 RCW to read as follows:

Upon termination, dissolution, or abandonment of a corporate business, any officer or other person who has control or supervision of state trust funds or who is charged with the responsibility for the remittance of trust funds to a state agency shall be personally liable to the agency for any unpaid trust funds, if such officer or other person willfully fails to pay or to cause to be paid any trust funds due from the corporation. If any other law specifies interest or penalties for the nonpayment of the trust funds for which the officer or other person is liable, then the officer or person also shall be liable for the amount of the interest and penalties.

(2) For the purposes of this section: (a) "Trust funds" means all moneys which (i) have been collected from another party on behalf of the state, including but not limited to workers' compensation fund contributions collected from employees and the state share of vehicle emission testing fees collected from vehicle owners; and (ii) became due during the period in which the officer or other person had the control, supervision, responsibility, or duty to act for the corporation with respect to the payment of the funds collected on behalf of the state; and (b) "willfully fails to pay or to cause to be paid" means that the failure was the result of an intentional, conscious, and voluntary course of action and that the nonpayment was not caused by reasons beyond the control of the officer or other person.

For the purposes of this subsection, the employees' share of workers' compensation contributions is considered to be "collected from employees" whether or not the employer actually collected such contributions from the employees.

(3) This section applies only in situations where the agency has determined that there is no reasonable means of collecting the trust funds directly from the corporation.

(4) This section does not relieve the corporation of other liabilities or otherwise impair other remedies afforded by law.

(5) Amounts due to an agency under this section shall be collected in conformance with any statute or administrative law dealing with the collection of such amounts by that agency. In the absence of such a statute or administrative law, the agency may bring legal action to collect the amounts due or may use the collection authority and procedures available to the department of revenue under RCW 82.32.210 and 82.32.220 through 82.32.245, as if it were the department of revenue and the amounts due were tax payments due.

(6) This section does not apply to any debt for which any officer or person is liable under RCW 82.32.145.

NEW SECTION, Sec. 2. This act applies only to trust funds that become due on or after the effective date of this act."

On page 1, line 1 of the title, after "accountability;" strike the remainder of the title and insert "adding a new section to Title 43 RCW; and creating a new section."

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector and Sayan.

Absent: Representative Silver.

Passed to Committee on Rules for second reading.

March 23, 1989

SSB 5733 Prime Sponsor, Committee on Law & Justice: Modifying the statute pertaining to trademark registration. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers and Tate.

Absent: Representatives Locke, Moyer and Wineberry.

Passed to Committee on Rules for second reading.

March 23, 1989

SB 5771 Prime Sponsor, Senator Nelson: Clarifying the process for perfecting interests in the assignment of rents. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers and Tate.

Absent: Representatives Locke, Moyer and Wineberry.

Passed to Committee on Rules for second reading.

March 23, 1989

ESB 5821 Prime Sponsor, Senator Rinehart: Directing the department of community development to develop a model intergenerational child care program. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 5 after "of" strike "community development" and insert "social and health services"

On page 2, line 8, strike "community development" and insert "social and health services"

Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Hargrove, Leonard, Padden, Raiter and Winsley.

Absent: Representative Padden.

Referred to Committee on Appropriations.

March 22, 1989

ESB 5833 Prime Sponsor, Senator Pullen: Amending the disposition and sentencing standards for juvenile offenders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 56, chapter 291, Laws of 1977 ex. sess. as last amended by section 17, chapter 145, Laws of 1988 and RCW 13.40.020 are each amended to read as follows:

For the purposes of this chapter:

(1) 'Serious offender' means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;

(b) Manslaughter in the first degree or rape in the second degree; or

(c) Assault in the second degree, extortion in the first degree, child molestation in the first or second degree, rape of a child in the second degree, kidnapping in the second degree, robbery in the second degree, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) 'Community service' means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense;

(3) 'Community supervision' means an order of disposition by the court of an adjudicated youth. A community supervision order for a single offense may be for a period of up to one year and include one or more of the following:

- (a) A fine, not to exceed one hundred dollars;
- (b) Community service not to exceed one hundred fifty hours of service;
- (c) Attendance of information classes;
- (d) Counseling; or

(e) Such other services to the extent funds are available for such services, conditions, or limitations as the court may require which may not include confinement;

(4) 'Confinement' means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a facility operated by or pursuant to a contract with any county. Confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(5) 'Court', when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(6) 'Criminal history' includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

(7) 'Department' means the department of social and health services;

(8) 'Diversion unit' means any probation counselor who enters into a diversion agreement with an alleged youthful offender or any other person or entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.04.040, as now or hereafter amended, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

(9) 'Institution' means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(10) 'Juvenile,' 'youth,' and 'child' mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;

(11) 'Juvenile offender' means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(12) 'Manifest injustice' means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(13) 'Middle offender' means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

(14) 'Minor or first offender' means a person sixteen years of age or younger whose current offense(s) and criminal history fall entirely within one of the following categories:

- (a) Four misdemeanors;
- (b) Two misdemeanors and one gross misdemeanor;
- (c) One misdemeanor and two gross misdemeanors;
- (d) Three gross misdemeanors;

(e) One class C felony except manslaughter in the second degree and one misdemeanor or gross misdemeanor;

(f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; rape in the second degree; assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; rape of a child in the second degree; vehicular homicide; child molestation in the first degree; or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors;

(15) 'Offense' means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(16) 'Respondent' means a juvenile who is alleged or proven to have committed an offense;

(17) 'Restitution' means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, and lost wages resulting from physical injury. Restitution shall not include reimbursement for damages for mental anguish,

pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender:

(18) 'Secretary' means the secretary of the department of social and health services;

(19) 'Services' mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(20) 'Foster care' means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(21) 'Violation' means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 2. Section 4, chapter 299, Laws of 1981 as amended by section 9, chapter 288, Laws of 1986 and RCW 13.40.027 are each amended to read as follows:

(1) It is the responsibility of the commission to: (a) (i) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally and (ii) specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion (~~the committee shall propose modifications to the legislature regarding subsection (1)(a)(ii) of this section by January 1, 1987~~); (b) solicit the comments and suggestions of the juvenile justice community concerning disposition standards; and (c) (~~develop and propose~~) make recommendations to the legislature regarding revisions or modifications of the disposition standards in accordance with RCW 13.40.030.

(2) It is the responsibility of the department to: (a) Provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders; (b) at the request of the commission, provide technical and administrative assistance to the commission in the performance of its responsibilities; and (c) provide the commission and legislature with recommendations for modification of the disposition standards.

Sec. 3. Section 57, chapter 291, Laws of 1977 ex. sess. as last amended by section 1, chapter 73, Laws of 1985 and RCW 13.40.030 are each amended to read as follows:

(1) (a) The juvenile disposition standards commission shall (~~propose~~) recommend to the legislature no later than November 1st of each (~~even-numbered~~) year disposition standards for all offenses. The standards shall establish, in accordance with the purposes of this chapter, ranges which may include terms of confinement and/or community supervision established on the basis of a youth's age, the instant offense, and the history and seriousness of previous offenses, but in no case may the period of confinement and supervision exceed that to which an adult may be subjected for the same offense(s). Standards (~~proposed~~) recommended for offenders listed in RCW 13.40.020(1) shall include a range of confinement which may not be less than thirty days. No standard range may include a period of confinement which includes both more than thirty, and thirty or less, days. Disposition standards (~~proposed~~) recommended by the commission shall provide that in all cases where a youth is sentenced to a term of confinement in excess of thirty days the department may impose an additional period of parole not to exceed eighteen months. Standards of confinement which may be proposed may relate only to the length of the proposed terms and not to the nature of the security to be imposed. In developing (~~proposed~~) recommended disposition standards, the commission shall consider the capacity of the state juvenile facilities and the projected impact of the proposed standards on that capacity.

(b) The secretary shall submit guidelines pertaining to the nature of the security to be imposed on youth placed in his or her custody based on the age, offense(s), and criminal history of the juvenile offender. Such guidelines shall be submitted to the legislature for its review no later than November 1st of each (~~even-numbered~~) year. At the same time the secretary shall submit a report on security at juvenile facilities during the preceding (~~two-year period~~) year. The report shall include the number of escapes from each juvenile facility, the most serious offense for which each escapee had been confined, the number and nature of offenses found to have been committed by juveniles while on escape status, the number of authorized leaves granted, the number of failures to comply with leave requirements, the number and nature of offenses committed while on leave, and the number and nature of offenses committed by juveniles while in the community on minimum security status; to the extent this information is available to the secretary. The department shall include security status definitions in the security guidelines it submits to the legislature pursuant to this section.

(2) (~~If the commission fails to propose disposition standards as provided in this section, the existing standards shall remain in effect and may be adopted by the legislature or referred to the commission for modification as provided in subsection (3) of this section. If the standards are referred for modification, the provisions of subsection (4) shall be applicable.~~

(3) ~~The legislature may adopt the proposed standards or refer the proposed standards to the commission for modification. If the legislature fails to adopt or refer the proposed standards to the commission by February 15th of the following year, the proposed standards shall take effect without legislative approval on July 1st of that year.~~

(4) If the legislature refers the proposed standards to the commission for modification on or before February 15th, the commission shall resubmit the proposed modifications to the legislature no later than March 1st. The legislature may adopt or modify the resubmitted proposed standards. If the legislature fails to adopt or modify the resubmitted proposed standards by April 1st, the resubmitted proposed standards shall take effect without legislative approval on July 1st of that year.

(5)) In developing ((and promulgating)) recommendations for the permissible ranges of confinement under this section the commission shall be subject to the following limitations:

(a) Where the maximum term in the range is ninety days or less, the minimum term in the range may be no less than fifty percent of the maximum term in the range;

(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range may be no less than seventy-five percent of the maximum term in the range; and

(c) Where the maximum term in the range is more than one year, the minimum term in the range may be no less than eighty percent of the maximum term in the range.

Sec. 4. Section 70, chapter 291, Laws of 1977 ex. sess. as last amended by section 8, chapter 191, Laws of 1983 and RCW 13.40.160 are each amended to read as follows:

(1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense, as indicated in option A of schedule D-3, section 7 of this act.

If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option B of schedule D-3, section 7 of this act. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230 as now or hereafter amended.

(2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision as indicated in option A or option B of schedule D-1, section 7 of this act. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition under option C of schedule D-1, section 7 of this act. A disposition other than a community supervision may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

Any disposition other than community supervision may be appealed as provided in RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition of community supervision may not be appealed under RCW 13.40.230 as now or hereafter amended.

(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2) as now or hereafter amended.

(4) If a respondent is found to be a middle offender:

(a) The court shall impose a determinate disposition within the standard range(s) for such offense, as indicated in option A of schedule D-2, section 7 of this act; PROVIDED, That if the standard range includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement; or

(b) The court shall impose a determinate disposition of community supervision and/or up to thirty days confinement, as indicated in option B of schedule D-2, section 7 of this act in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150 as now or hereafter amended.

(c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4) (a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

(d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition pursuant to subsection (4) (a) or (b) of this section is not appealable under RCW 13.40.230 as now or hereafter amended.

(5) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(6) In its dispositional order, the court shall not suspend or defer the imposition or the execution of the disposition.

(7) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

NEW SECTION. Sec. 5. A new section is added to chapter 13.40 RCW to read as follows:

The sentencing guidelines and prosecuting standards apply equally to juvenile offenders in all parts of the state, without discrimination as to any element that does not relate to the crime or the previous record of the offender.

NEW SECTION. Sec. 6. A new section is added to chapter 13.40 RCW to read as follows:

The total current offense points for use in the standards range matrix of schedules D-1, D-2, and D-3 are computed as follows:

(1) The disposition offense category is determined by the offense of conviction. Offenses are divided into ten levels of seriousness, ranging from low (seriousness level E) to high (seriousness level A+), see schedule A, section 7 of this act.

(2) The prior offense increase factor is summarized in schedule B, section 7 of this act. The increase factor is determined for each prior offense by using the time span and the offense category in the prior offense increase factor grid. Time span is computed from the date of the prior offense to the date of the current offense. The total increase factor is determined by totaling the increase factors for each prior offense and adding a constant factor of 1.0.

(3) The current offense points are summarized in schedule C, section 7 of this act. The current offense points are determined for each current offense by locating the juvenile's age on the horizontal axis and using the offense category on the vertical axis. The juvenile's age is determined as of the time of the current offense and is rounded down to the nearest whole number.

(4) The total current offense points are determined for each current offense by multiplying the total increase factor by the current offense points. The total current offense points are rounded down to the nearest whole number.

NEW SECTION. Sec. 7. A new section is added to chapter 13.40 RCW to read as follows:

SCHEDULE A

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
	<u>Arson and Malicious Mischief</u>	
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (<\$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B+
	<u>Assault and Other Crimes Involving Physical Harm</u>	
A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+
	<u>Burglary and Trespass</u>	
B+	Burglary 1 (9A.52.020)	C+
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E

SCHEDULE A
DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
E	Criminal Trespass 2 (9A.52.080)	E
D	Vehicle Prowling (9A.52.100)	E
	<u>Drugs</u>	
E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D+
E	Possession of Legend Drug (69.41.030)	E
B+	Violation of Uniform Controlled Substances Act - Narcotic Sale (69.50.401(a)(1)(i))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(ii))	C
E	Possession of Marijuana <40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	Glue Sniffing (9.47A.050)	E
B	Violation of Uniform Controlled Substances Act - Narcotic Counterfeit Substances (69.50.401(b)(1)(i))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1)(ii), (iii), (iv))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))	C
	<u>Firearms and Weapons</u>	
C+	Committing Crime When Armed (9.41.025)	D+
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
E	Use of Firearms by Minor (<14) (9.41.240)	E
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E
	<u>Homicide</u>	
A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+
C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicle Homicide (46.61.520)	C+
	<u>Kidnapping</u>	
A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+
D	Custodial Interference (9A.40.050)	E
	<u>Obstructing Governmental Operation</u>	

SCHEDULE A
DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
E	Obstructing a Public Servant (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E
B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B+	Intimidating a Public Servant (9A.76.180)	C+
B+	Intimidating a Witness (9A.72.110)	C+
E	Criminal Contempt (9.23.010) <u>Public Disturbance</u>	E
C+	Riot with Weapon (9A.84.010)	D+
D+	Riot Without Weapon (9A.84.010)	E
E	Failure to Disperse (9A.84.020)	E
E	Disorderly Conduct (9A.84.030)	E
	<u>Sex Crimes</u>	
A	Rape 1 (9A.44.040)	B+
A-	Rape 2 (9A.44.050)	B+
C+	Rape 3 (9A.44.060)	D+
A-	Rape of a Child 1 (9A.44.073)	B+
B	Rape of a Child 2 (9A.44.076)	C+
B	Incest 1 (9A.64.020(1))	C
C	Incest 2 (9A.64.020(2))	D
D+	Public Indecency (Victim <14) (9A.88.010)	E
E	Public Indecency (Victim 14 or over) (9A.88.010)	E
B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+
E	O & A (Prostitution) (9A.88.030)	E
B+	Indecent Liberties (9A.44.100)	C+
B+	Child Molestation 1 (9A.44.083)	C+
C+	Child Molestation 2 (9A.44.086)	C
	<u>Theft, Robbery, Extortion, and Forgery</u>	
B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock (9A.56.080)	C
C	Forgery (9A.56.020)	D
A	Robbery 1 (9A.56.200)	B+
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D
	<u>Motor Vehicle Related Crimes</u>	
E	Driving Without a License (46.20.021)	E
C	Hit and Run - Injury (46.52.020(4))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E

SCHEDULE A
DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT. BAILJUMP, CONSPIRACY, OR SOLICITATION
D	Driving While Under the Influence (46.61.515)	E
B+	Negligent Homicide by Motor Vehicle (46.61.520)	C+
D	Vehicle Prowling (9A.52.100)	E
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D
	<u>Other</u>	
B	Bomb Threat (9.61.160)	C
C	Escape 1* (9A.76.110)	C
C	Escape 2* (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
C	Failure to Appear in Court (10.19.130)	D
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200)**	V

*Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 4 weeks confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

**If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

SCHEDULE B
PRIOR OFFENSE INCREASE FACTOR

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

OFFENSE CATEGORY	<u>TIME SPAN</u>		
	0-12 Months	13-24 Months	25 Months or More
A+	.9	.9	.9
A	.9	.8	.6
A-	.9	.8	.5
B+	.9	.7	.4
B	.9	.6	.3
C+	.6	.3	.2
C	.5	.2	.2
D+	.3	.2	.1
D	.2	.1	.1
E	.1	.1	.1

Prior history - Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).

SCHEDULE C
CURRENT OFFENSE POINTS

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

OFFENSE CATEGORY	<u>AGE</u>					
	12 & Under	13	14	15	16	17
A+	STANDARD RANGE 180-224 WEEKS					
A	250	300	350	375	375	375
A-	150	150	150	200	200	200
B+	110	110	120	130	140	150
B	45	45	50	50	57	57
C+	44	44	49	49	55	55
C	40	40	45	45	50	50
D+	16	18	20	22	24	26
D	14	16	18	20	22	24
E	4	4	4	6	8	10

JUVENILE SENTENCING STANDARDS

SCHEDULE D-1

This schedule may only be used for minor/first offenders. After the determination is made that a youth is a minor/first offender, the court has the discretion to select sentencing option A, B, or C.

MINOR/FIRST OFFENDER

OPTION A

STANDARD RANGE

<u>Points</u>	<u>Community Supervision</u>	<u>Community Service Hours</u>	<u>Fine</u>
1-9	0-3 months	and/or 0-8	and/or 0-\$10
10-19	0-3 months	and/or 0-8	and/or 0-\$10
20-29	0-3 months	and/or 0-16	and/or 0-\$10
30-39	0-3 months	and/or 8-24	and/or 0-\$25
40-49	3-6 months	and/or 16-32	and/or 0-\$25
50-59	3-6 months	and/or 24-40	and/or 0-\$25
60-69	6-9 months	and/or 32-48	and/or 0-\$50
70-79	6-9 months	and/or 40-56	and/or 0-\$50
80-89	9-12 months	and/or 48-64	and/or 0-\$100
90-109	9-12 months	and/or 56-72	and/or 0-\$100

OR

OPTION B

STATUTORY OPTION

0-12 Months Community Supervision

0-150 Hours Community Service

0-100 Fine

A term of community supervision with a maximum of 150 hours, \$100.00 fine, and 12 months supervision.

OR

OPTION C

MANIFEST INJUSTICE

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range.

JUVENILE SENTENCING STANDARDS

SCHEDULE D-2

This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.

MIDDLE OFFENDEROPTION ASTANDARD RANGE

Points	Community Supervision	Community Service Hours	Fine	Confinement Days Weeks
1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10
70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30
110-129				8-12
130-149				13-16
150-199				21-28
200-249				30-40
250-299				52-65
300-374				80-100
375+				103-129

Middle offenders with more than 110 points do not have to be committed. They may be assigned community supervision under option B.

All A+ offenses 180-224 weeks

OR

OPTION B

STATUTORY OPTION

0-12 Months Community Supervision

0-150 Hours Community Service

0-100 Fine

The court may impose a determinate disposition of community supervision and/or up to 30 days confinement; in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150, as now or hereafter amended.

OR

OPTION C

MANIFEST INJUSTICE

If the court determines that a disposition under A or B would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine range.

JUVENILE SENTENCING STANDARDSSCHEDULE D-3

This schedule may only be used for serious offenders. After the determination is made that a youth is a serious offender, the court has the discretion to select sentencing option A or B.

SERIOUS OFFENDER

OPTION A

STANDARD RANGE

Points	Institution Time
0-129	8-12 weeks
130-149	13-16 weeks
150-199	21-28 weeks
200-249	30-40 weeks
250-299	52-65 weeks
300-374	80-100 weeks
375+	103-129 weeks
All A+ Offenses	180-224 weeks

OR

OPTION B

MANIFEST INJUSTICE

A disposition outside the standard range shall be determined and shall be comprised of confinement or community supervision or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine range.

Sec. 8. Section 22, chapter 191, Laws of 1983 and RCW 13.40.280 are each amended to

read as follows:

(1) (~~Notwithstanding the provisions of RCW 13.04.115.~~) The secretary, with the consent of the secretary of the department of corrections, has the authority to transfer a juvenile presently or hereafter committed to the department of social and health services to the department of corrections for appropriate institutional placement in accordance with this section.

(2) The secretary of the department of social and health services may, with the consent of the secretary of the department of corrections, transfer a juvenile offender to the department of corrections if it is established at a hearing before a review board that continued placement of the juvenile offender in an institution for juvenile offenders presents a continuing and serious threat to the safety of others in the institution. The department of social and health services shall establish rules for the conduct of the hearing, including provision of counsel for the juvenile offender.

(3) A juvenile offender transferred to an institution operated by the department of corrections shall not remain in such an institution beyond the maximum term of confinement imposed by the juvenile court.

(4) A juvenile offender who has been transferred to the department of corrections under this section may, in the discretion of the secretary of the department of social and health services and with the consent of the secretary of the department of corrections, be transferred from an institution operated by the department of corrections to a facility for juvenile offenders deemed appropriate by the secretary.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 56, chapter 155, Laws of 1979 and RCW 13.40.035; and

(2) Section 10, chapter 288, Laws of 1986 and RCW 13.40.036."

On page 1, line 2 of the title, after "offenders;" strike the remainder of the title and insert "and amending RCW 13.40.020, 13.40.027, 13.40.030, 13.40.160, and 13.40.280; adding new sections to chapter 13.40 RCW; repealing RCW 13.40.035 and 13.40.036; and prescribing penalties."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Brough and P. King.

Referred to Committee on Appropriations.

March 23, 1989

SB 5874 Prime Sponsor, Senator Wojahn: Providing for a maritime commemorative observance. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector and Sayan.

Absent: Representative Silver.

Passed to Committee on Rules for second reading.

March 23, 1989

SB 6057 Prime Sponsor, Senator Murray: Providing for school services for homeless children. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Cole, Dorn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Betrozoff, Ranking Republican Member; Brumsickle, Fuhrman, Horn, Walker and K. Wilson.

Absent: Representatives Holland and P. King.

Passed to Committee on Rules for second reading.

March 24, 1989

SSB 6061 Prime Sponsor, Committee on Energy & Utilities: Requiring the state patrol to develop a permanent working group to periodically review guidelines and response capabilities to radioactive materials and waste. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 8, after "group" insert "or use an existing working group"

On page 1, line 17, after "patrol" insert ", with the assistance of the division of emergency management"

On page 1, line 18, strike "shall jointly" and insert ", shall"

Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Jacobsen, Jesernig, May, R. Meyers, H. Myers and S. Wilson.

Absent: Representatives Gallagher, Jesernig and Miller.

Referred to Committee on Appropriations.

March 24, 1989

SJM 8015 Prime Sponsor, Senator Benitz: Asking for a comprehensive national energy policy. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 24, after "imports;" insert "and"

WHEREAS, Energy efficiency and conservation are the most cost effective methods to reduce the need to acquire more expensive energy resources and to reduce reliance on imports; and

WHEREAS, Least cost planning by companies and utilities that sell and develop energy resources is an effective method to ensure that the least expensive resources are acquired first;

On page 1, line 30, after "encourage" insert "least cost planning."

Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Jacobsen, Jesernig, May, R. Meyers, H. Myers and S. Wilson.

Absent: Representatives Gallagher and Miller.

Passed to Committee on Rules for second reading.

MOTION

Mr. Heavey moved that the bills and memorial listed on today's committee reports under the fifth order of business be referred to the committees so designated, with the exception of House Bill No. 1479. The motion was carried.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4652, by Representatives Leonard, Wineberry, Prentice, Heavey, Anderson, Jacobsen, Nelson and Valle

WHEREAS, Composer Earl Robinson was born in Seattle, Washington on July 2, 1910; and

WHEREAS, Earl Robinson received all of his early education in Washington State, studying violin, viola and piano as a child, graduating from West Seattle High School in 1928 and from the University of Washington in 1933; and

WHEREAS, His music encompasses cantatas, film scores, concertos and ballads which have been performed throughout the United States; and

WHEREAS, Earl Robinson's most famous works include "Joe Hill," "The House I Live In," "Black and White" and "Ballad for Americans"; and

WHEREAS, His song, "The House I Live In," reaches out to people of all races and religions, as the essence of America; and

WHEREAS, Earl Robinson continues to compose music for all of us;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of Washington State, That Earl Robinson be honored for his outstanding and inspirational achievements and as a native son of Washington; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Earl Robinson.

Ms. Leonard moved adoption of the resolution. Representatives Leonard and Heavey spoke in favor of the resolution.

House Floor Resolution No. 89-4652 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) recognized Mr. Earl Robinson, who was seated in the place of honor in the rear of the House Chamber. Mr. Robinson was welcomed by the members of the House of Representatives.

MOTIONS

On motion of Mr. Ebersole, the rules were suspended and House Bill No. 1479 was placed on the second reading calendar.

On motion of Mr. Ebersole, House Bill No. 2215 was referred from Committee on Education to Committee on Capital Facilities & Financing.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease. The Speaker called the House to order.

MOTION

On motion of Mr. Ebersole, Representative Appelwick was excused.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5030, by Senators Pullen and Niemi

Clarifying language relating to writs of certiorari.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Crane and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5030, and the bill passed the House by the following vote: Yeas, 94; nays, 1; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Ratter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Winsley - 1.

Absent: Representatives Chandler, Sommers D - 2.

Excused: Representative Appelwick - 1.

Senate Bill No. 5030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

It was my intention to vote "Yes" on final passage of Senate Bill No. 5030.

SHIRLEY J. WINSLEY, 28th District.

MOTION

On motion of Mr. D. Sommers, Representative Chandler was excused.

SENATE BILL NO. 5031, by Senators Pullen, Niemi and Rasmussen

Correcting or amending internal references in the revised code of Washington.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5031, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslie, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Appelwick, Chandler - 2.

Senate Bill No. 5031, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5098, by Committee on Energy & Utilities (originally sponsored by Senators Benitz, Stratton, Bluechel, Sutherland, Newhouse, Warnke, von Reichbauer, Matson, Vognild, Smitherman, Johnson, Bauer, Sellar, Saling and Madsen)

Regulating telecommunication companies.

The bill was read the second time.

Mr. Todd moved adoption of the following amendment by Representatives Todd and Nelson:

On page 1, line 26, after "form of" insert "rate base rate of return"

Mr. Todd spoke in favor of adoption of the amendment.

POINT OF ORDER

Mr. R. Meyers: We are not here to discuss what is going on in another situation and another hearing, Mr. Speaker. We are here to talk about the benefits or detriments of a specific piece of legislation before us.

SPEAKER'S RULING

The Speaker: Please confine your comments to the matter before us, Representative Todd.

Mr. Todd concluded his remarks in favor of the amendment, and Representatives Jesernig and May spoke against the amendment.

The amendment was not adopted.

Mr. Todd moved adoption of the following amendment by Representatives Todd and Nelson:

On page 2, line 26, after "motion," insert "The commission shall conduct public hearings throughout the service territory of an affected telecommunication company on any proposed alternative form of regulation that does not have return on investment as its basis.

Representatives Todd and Nelson spoke in favor of adoption of the amendment, and Representatives R. Meyers and Hankins spoke against it.

POINT OF INQUIRY

Mr. Nelson yielded to question by Mr. Sayan.

Mr. Sayan: Representative Nelson, is it now possible for the utility company to hold these reviews without having to change the law to do so?

Mr. Nelson: Yes, it is possible for the commission, on its own volition, to hold hearings just as it is possible for other state agencies to hold hearings around the state. What the amendment suggests is that we want to make sure that that happens.

Mr. Sayan: It is possible that they can do so on their own volition?

Mr. Nelson: Yes, it is.

The amendment was not adopted.

Mr. R. Meyers moved adoption of the following amendment by Representatives R. Meyers, May, Hankins, Miller, Cooper, H. Myers and Jesernig:
On page 15, line 3, after "toll" insert "filed by a telecommunications company"

Mr. R. Meyers spoke in favor of adoption of the amendment, and it was adopted.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Nelson spoke against passage of the bill.

POINT OF ORDER

Mr. R. Meyers: Thank you, Mr. Speaker. Although I realize the present speaker is not a friend of the bill, I think we ought to be talking about the bill and not about ongoing hearings before the UTC, which are unrelated to this bill in any way.

SPEAKER'S RULING

The Speaker: The Speaker is allowing some latitude. I would ask Representative Nelson, however, to make sure that his remarks focus on the subject of the bill.

Mr. Nelson concluded his remarks against passage of the bill. Representatives Sayan, Hankins, May, Todd, R. Meyers and Horn spoke in favor of it. Mr. Sayan again spoke in favor of the bill, and Ms. Miller spoke in favor of it.

MOTION

Mr. Jacobsen moved that the remarks of Ms. Miller be spread upon the Journal. The motion was carried.

REMARKS OF REPRESENTATIVE MILLER

Ms. Miller: It is important to talk not only about what this bill does, but what it doesn't do. None of the provisions in Engrossed Substitute Senate Bill No. 5098 change the current law to weaken the commission's authority to file complaints, receive complaints, or have access to information concerning the conduct of any telecommunications company. Testimony in committee supports, if anything, that this bill strengthens those rights by specifically referring to the right of the commission, other parties, and intervenors to bring complaints and seek discovery. Further, testimony has assured us the commission has the authority to investigate all complaints, including those alleging discrimination and service quality concerns. And we have heard a lot about service quality concerns with some of our smaller companies in our hearings this year. Furthermore, testimony and agreed-to amendments specify that monopoly services will not be used to the detriment of consumers and the market place. It is these amendments, understandings, and record that have made Engrossed Substitute Senate Bill No. 5098 acceptable to most of the parties interested in this legislation. Thank you.

Mr. Jacobsen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5098 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 2; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Brekke, Nelson - 2.

Absent: Representatives Locke, Sommers H - 2.

Excused: Representatives Appelwick, Chandler - 2.

Engrossed Substitute Senate Bill No. 5098 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2217 by Representatives Walk and R. Fisher

AN ACT Relating to vehicle and vessel licensing and registration; amending RCW 46.01.130, 46.01.140, 46.01.230, 46.09.030, 46.09.070, 46.10.043, 46.16.060, 46.16.160, 46.16.210, 46.16.630, 46.68.035, 82.08.065, 82.12.045, 82.44.040, 82.44.060, 82.44.090, 82.44.110, 82.50.400, 88.02.040, and 88.02.050; and repealing RCW 46.01.270, 46.16.200, 82.44.050, and 82.44.100.

Referred to Committee on Transportation.

HJM 4021 by Representatives Rasmussen, Ferguson, Dorn, Heavey, G. Fisher, Walker, R. Meyers, Pruitt, Cantwell, Walk, Schoon, Jesernig, Wineberry, Scott, Ebersole, Jacobsen, Appelwick, Phillips, Anderson, Winsley, Todd, Leonard, Brekke, Moyer, Nelson, Tate, R. Fisher, Bowman, Fraser, Locke, Crane, Wang, May, Sayan, Vekich, Kremen, Van Luven, Betzoff and Beck

Requesting a National Hockey League expansion team for the Seattle-Tacoma area.

Referred to Committee on Trade & Economic Development.

MOTION

On motion of Mr. Heavey, the bill and memorial listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 10:00 a.m., Wednesday, March 29, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTIETH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 29, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Brekke, Cantwell, G. Fisher, Hine, Locke, Morris, Schoon, Sprengle and Vekich. On motion of Ms. Fraser, Representative G. Fisher was excused. On motion of Ms. Miller, Representative Schoon was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sarah Schoenfeldt and Carolyn Sumulong. Prayer was offered by The Reverend Arla Elston, Minister of the First Christian Church of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

March 29, 1989

On this day in 1889, a builder agreed to construct an addition to the Capitol in Olympia for \$1,524 and to have it ready by June 20, in time for the Constitutional Convention. And call boxes for fire and police were being installed in Walla Walla.

On March 29, 1930 Longview Bridge, later called Lewis and Clark Bridge, was opened. It was the longest and highest cantilever span in the country--8,192 feet long and 330 feet above the Columbia River.

On March 29, 1957 a new oceanographic research station was established at Pacific Beach.

MESSAGE FROM THE SENATE

March 27, 1989

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5225,
SECOND SUBSTITUTE SENATE BILL NO. 5400,
SENATE BILL NO. 6091,
SENATE BILL NO. 6095,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

E2SSB 5225 by Committee on Ways & Means (originally sponsored by Senators Saling, Stratton, Bauer, Patterson, Lee and West)

Creating the Spokane intercollegiate research and technology institute.

Referred to Committee on Higher Education.

2SSB 5400 by Committee on Ways & Means (originally sponsored by Senators Niemi, West, Kreidler, Wojahn and Talmadge)

Regarding mental health systems.

Referred to Committee on Human Services.

SB 6091 by Senators McDonald, Gaspard, Hayner and Vognild
 Making an appropriation for the budget stabilization account.
 Referred to Committee on Appropriations.

SB 6095 by Senators Benitz, Saling, Bluechel, Cantu, Smitherman, Stratton,
 Gaspard, Patterson, Brauer, von Reichbauer, Hayner, Smith,
 Rasmussen, West, Thorsness, Bailey, Johnson and Nelson
 Providing for branch campuses.
 Referred to Committee on Higher Education.

MOTION

On motion of Mr. Heavey, the bills listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 24, 1989

SSB 5009 Prime Sponsor, Committee on Transportation: Amending the list of vessels not required to be registered under chapter 88.02 RCW. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 14, after "Vessels" strike "owned by a resident of a country other than the United States" and insert "~~((owned by a resident of a country other than the United States))~~"
 On page 1, line 16, after "days)" strike "and"

Signed by Representatives Walk, Chair; Betrozoff, Cooper, Day, G. Fisher, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Prentice, Smith, D. Sommers, Todd, Walker and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representative R. Fisher.

Absent: Representatives Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Cantwell, Gallagher, Hankins, Patrick, Prince and S. Wilson.

Referred to Committee on Revenue.

March 27, 1989

SSB 5041 Prime Sponsor, Committee on Health Care & Corrections: Permitting department of corrections to monitor inmate telephone calls. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprengle and Wolfe.

Absent: Representative Cantwell.

Passed to Committee on Rules for second reading.

March 24, 1989

SSB 5075 Prime Sponsor, Committee on Environment & Natural Resources: Changing provisions relating to investigation of water pollution. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

On page 2, strike lines 1 through 13

On page 1, line 1 of the title, after "90.48.095" strike "and 90.48.090"

Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprengle, Van Luven and Walker.

Absent: Representatives Valle, Vice Chair; Sprengle, Van Luven and Walker.

Passed to Committee on Rules for second reading.

March 24, 1989

SSB 5151 Prime Sponsor, Committee on Environment & Natural Resources: Extending senior citizen state park passes. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 7 after "parks," insert a new subsection to read as follows:

"(4) A holder of a senior citizen's pass shall surrender the pass upon request of a commission employee when the employee has reason to believe the holder fails to meet the criteria in 2(a), 2(b), or 2(c). The holder shall have the pass returned upon providing proof to the satisfaction of the director of the parks and recreation commission that the holder does meet the eligibility criteria for obtaining the senior citizen's pass."

Renumber remaining subsections consecutively.

Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Hargrove, Raiter and Sayan.

Absent: Representative Fuhrman.

Passed to Committee on Rules for second reading.

March 27, 1989

SB 5154 Prime Sponsor, Senator West: Providing for sanitary control of shellfish. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock; Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Vekich and Wolfe.

Absent: Representative Sprenkle.

Passed to Committee on Rules for second reading.

March 28, 1989

ESB 5156 Prime Sponsor, Senator Thorsness: Providing for the Cedar river sockeye salmon enhancement program. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Haugen, Smith and Spanel.

Absent: Representative Vekich.

Referred to Committee on Capital Facilities & Financing.

March 27, 1989

ESB 5215 Prime Sponsor, Senator Saling: Authorizing financial aid to needy students enrolled on at least a half-time basis. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 8, chapter 222, Laws of 1969 ex. sess. as last amended by section 56, chapter 370, Laws of 1985 and RCW 28B.10.802 are each amended to read as follows:

As used in RCW 28B.10.800 through 28B.10.824:

(1) 'Institutions of higher education' shall mean (1) any public university, college, community college, or vocational-technical institute operated by the state of Washington or any political subdivision thereof or (2) any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of an accrediting association recognized by rule of the board for the purposes of this section: PROVIDED, That any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association: PROVIDED FURTHER, That no institution of higher education shall be eligible to participate in a student financial aid program unless it agrees to and complies with program rules and regulations adopted pursuant to RCW 28B.10.822.

(2) The term 'financial aid' shall mean loans and/or grants to needy students enrolled or accepted for enrollment as a ((full-time)) student at institutions of higher education.

(3) The term 'needy student' shall mean a post high school student of an institution of higher learning as defined in subsection (1) of this section who demonstrates to the board the

financial inability, either through the student's parents, family and/or personally, to meet the total cost of board, room, books, and tuition and incidental fees for any semester or quarter.

(4) The term 'disadvantaged student' shall mean a post high school student who by reason of adverse cultural, educational, environmental, experiential, familial or other circumstances is unable to qualify for enrollment as a full time student in an institution of higher learning, who would otherwise qualify as a needy student, and who is attending an institution of higher learning under an established program designed to qualify the student for enrollment as a full time student.

(5) 'Commission' or 'board' shall mean the higher education coordinating board.

Sec. 2. Section 11, chapter 222, Laws of 1969 ex. sess. and RCW 28B.10.806 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) Conduct a full analysis of student financial aid as a means of:

- (a) Fulfilling educational aspirations of students of the state of Washington, and
- (b) Improving the general, social, cultural, and economic character of the state.

Such an analysis will be a continuous one and will yield current information relevant to needed improvements in the state program of student financial aid. The commission will disseminate the information yielded by their analyses to all appropriate individuals and agents.

(c) This study should include information on the following:

- (i) all programs and sources of available student financial aid,
- (ii) distribution of Washington citizens by socio-economic class,
- (iii) data from federal and state studies useful in identifying:

(A) demands of students for specific educational goals in colleges, and

(B) the discrepancy between high school students' preferences and the colleges they actually selected.

(2) Design a state program of student financial aid based on the data of the study referred to in this section. The state program will supplement available federal and local aid programs. The state program of student financial aid will not exceed the difference between the budgetary costs of attending an institution of higher learning and the student's total resources, including family support, personal savings, employment, and federal and local aid programs.

(3) Determine and establish criteria for financial need of the individual applicant based upon the consideration of that particular applicant. In making this determination the commission shall consider the following:

(a) Assets and income of the student.

(b) Assets and income of the parents, or the individuals legally responsible for the care and maintenance of the student.

(c) The cost of attending the institution the student is attending or planning to attend.

(d) Any other criteria deemed relevant to the commission.

(4) Set the amount of financial aid to be awarded to any individual needy or disadvantaged student in any school year.

(5) Award financial aid to ~~((full-time))~~ needy or disadvantaged students for a school year based upon only that amount necessary to fill the financial gap between the budgetary cost of attending an institution of higher education and the family and student contribution.

(6) Review the need and eligibility of all applications on an annual basis and adjust financial aid to reflect changes in the financial need of the recipients and the cost of attending the institution of higher education.

Sec. 3. Section 12, chapter 222, Laws of 1969 ex. sess. and RCW 28B.10.808 are each amended to read as follows:

In awarding grants, the commission shall proceed substantially as follows: PROVIDED, That nothing contained herein shall be construed to prevent the commission, in the exercise of its sound discretion, from following another procedure when the best interest of the program so dictates:

(1) The commission shall annually select the financial aid award winners from among Washington residents applying for student financial aid who have been ranked according to financial need as determined by the amount of the family contribution and other considerations brought to the commission's attention.

(2) The financial need of the highest ranked students shall be met by grants depending upon the evaluation of financial need until the total allocation has been disbursed. Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until dispersed.

(3) A grant may be renewed until the course of study is completed, but not for more than an additional ~~((three))~~ four academic years beyond the first year of the award. These shall not be required to be consecutive years. Qualifications for renewal will include maintaining satisfactory academic standing toward completion of the course of study, and continued eligibility as determined by the commission. Should the recipient terminate his enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution according to the institution's own policy for issuing refunds.

(4) In computing financial need the commission shall determine a maximum student expense budget allowance, not to exceed an amount equal to the total maximum student expense budget at the public institutions plus the current average state appropriation per student for operating expense in the public institutions.

Sec. 4. Section 13, chapter 222, Laws of 1969 ex. sess. and RCW 28B.10.810 are each amended to read as follows:

For a student to be eligible for financial aid ~~((he))~~ the student must:

(1) Be a 'needy student' or 'disadvantaged student' as determined by the commission in accordance with RCW 28B.10.802 (3) and (4).

(2) Have been domiciled within the state of Washington for at least one year.

(3) Be enrolled or accepted for enrollment ~~((as a full-time student or as a student under an established program designed to qualify him for enrollment as a full-time student))~~ on at least a half-time basis at an institution of higher education in Washington.

(4) Have complied with all the rules and regulations adopted by the commission for the administration of RCW 28B.10.800 through 28B.10.824.

Sec. 5. Section 6, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.065 are each amended to read as follows:

It is the intent of the legislature that needy students not be deprived of access to higher education due to increases in educational costs or consequent increases in tuition and fees. It is the sense of the legislature that, beginning with the 1989-91 budget, state appropriations for student financial aid be adjusted in an amount which together with funds estimated to be available in the form of basic educational opportunity grants as authorized under Section 411 of the federal Higher Education Act of 1965 as now or hereafter amended will equal ~~((twenty-four))~~ thirty-five percent of any change in revenue estimated to occur as a result of revisions in tuition and fee levels under the provisions of this 1977 amendatory act and that appropriations resulting from the percentage increase from twenty-four to thirty-five percent after the effective date of this section shall be used for the state need grant program.

NEW SECTION. Sec. 6. Section 5 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28B.10.802, 28B.10.806, 28B.10.808, 28B.10.810, and 28B.15.065; and declaring an emergency."

Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Doty, Fraser, Heavey, Insee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Absent: Representatives Van Luven, Ranking Republican Member; and Basich.

Referred to Committee on Appropriations.

March 27, 1989

ESSB 5227 Prime Sponsor, Committee on Higher Education: Establishing a state writing project to train educators. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the development of the ability to communicate through the written word is crucial to successful performance in the labor market and in secondary and postsecondary education. The legislature recognizes the need to significantly improve the writing skills of common school and college students to help them succeed in higher education and in their chosen professions. The legislature intends to assist common school and college faculty in their efforts to improve the writing skills of Washington students by the creation of a cooperatively planned and funded program. The program will be designed to train educators in techniques for teaching writing that incorporate the results of current research on writing processes.

NEW SECTION. Sec. 2. The Washington state writing project is established. The project will be administered by the higher education coordinating board. In administering the program, the board shall have the following powers and duties:

(1) Select proposals for funding through a competitive process, giving preference to proposals that are sites for the national writing project;

(2) Appoint an advisory committee of common school and college educators to assist in selecting the proposals to be funded and is establishing criteria and procedures for evaluating the results of selected projects;

(3) Report to the governor, the legislature, and the superintendent of public instruction on the program by November 15 of each even-numbered year. The report shall include an evaluation of the project, and a recommendation on whether funding for the project should continue through the next biennium;

(4) May delegate the administration of the program to an institution of higher education as defined in RCW 28B.10.016.

NEW SECTION. Sec. 3. Criteria established for approval of any proposal shall include the extent to which:

(1) The proposed project is modeled after the national writing project;

(2) The proposed project is designed to systematically improve the writing skills of project participants, the teachers to be trained by participants, and the students attending common schools and postsecondary educational institutions;

(3) The proposed project is designed to reach school and college personnel located in rural, urban, and suburban areas;

(4) Participating schools, colleges, and universities intend to integrate the proposed writing project in institutional staff development programs;

(5) Participating schools, colleges, and universities commit to the provision of support for the proposed project;

(6) The proposed project uses participants as writing skills trainers for students and faculty of schools, colleges, and universities;

(7) The proposed project provides opportunities for cooperation among various levels and segments of the common schools and postsecondary education;

(8) The proposed project provides continuing training and support opportunities to project participants; and

(9) The proposed project includes a method for evaluating participant and student progress using measures approved by the advisory committee.

NEW SECTION. Sec. 4. The sum of three hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the higher education coordinating board for the purposes of this act.

NEW SECTION. Sec. 5. Sections 1 through 3 of this act shall constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "adding a new chapter to Title 28B RCW; making an appropriation; and declaring an emergency."

Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Doty, Fraser, Heavey, Inslee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Absent: Representatives Van Luven, Ranking Republican Member; and Basich.

Referred to Committee on Appropriations.

March 24, 1989

SSB 5252 Prime Sponsor, Committee on Governmental Operations: Changing provisions relating to expenditures of public money for unfit buildings, dwellings, structures, and premises. Reported by Committee on Housing

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 12 after "made" strike all material through "persons" on page 3, line 25 and insert "either by personal service or by mailing a copy of the (~~notice~~) complaint and order by certified mail, postage prepaid, return receipt requested, to each such person at the address (~~(appearing on the last equalized tax assessment roll of the county where the property is located or at the address known to the county assessor. A copy of the notice and order shall also be mailed, addressed to such person, at the address)~~) of the building involved in the proceedings, (~~(if different, and to each person or party having a recorded right, title, estate, lien, or interest in the property)~~) and mailing a copy of the complaint and order by first class mail to any address of each such person in the records of the county assessor or the county auditor for the county where the property is located"

Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Padden, Rector and Todd.

Absent: Representatives Ballard and Inslee.

Passed to Committee on Rules for second reading.

March 28, 1989

SB 5253 Prime Sponsor, Senator Metcalf: Protecting federally designated sole source aquifers. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Phillips, Pruitt, Schoon, Sprengle, Van Luven and Walker.

MINORITY recommendation: Do not pass. Signed by Representative Fraser.

Absent: Representatives G. Fisher, Phillips and Sprengle.

Passed to Committee on Rules for second reading.

March 28, 1989

ESSB 5288 Prime Sponsor, Committee on Environment & Natural Resources: Providing for the production of salmon smolts by private aquaculturists. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** The legislature finds that:

(1) The fishery resources of Washington are critical to the social and economic needs of the citizens of the state;

(2) Salmon production is dependent on both wild and artificial production;

(3) The department of fisheries is directed to enhance Washington's salmon runs; and

(4) Full utilization of the state's salmon rearing facilities is necessary to enhance commercial and recreational fisheries.

NEW SECTION, Sec. 2. A new section is added to chapter 75.08 RCW to read as follows:

The director shall determine the cost of operating all state-funded salmon production facilities at full capacity and shall provide this information with the department's biennial budget request.

NEW SECTION, Sec. 3. A new section is added to chapter 75.08 RCW to read as follows:

The director may contract with cooperatives or private aquaculturists for the purchase of quality salmon smolts for release into public waters if all department fish rearing facilities are operating at full capacity. The intent of cooperative and private sector contracting is to explore the opportunities of cooperatively producing more salmon for the public fisheries without incurring additional capital expense for the department.

NEW SECTION, Sec. 4. A new section is added to chapter 75.08 RCW to read as follows:

If the director elects to contract with cooperatives or private aquaculturists for the purpose of purchasing quality salmon smolts, contracting shall be done by a competitive bid process. In awarding contracts to private contractors, the director shall give preference to nonprofit corporations. The director shall establish the criteria for the contract, which shall include but not be limited to species, size of smolt, stock composition, quantity, quality, rearing location, release location, and other pertinent factors.

NEW SECTION, Sec. 5. A new section is added to chapter 75.08 RCW to read as follows:

Nothing in this act shall authorize the practice of private ocean ranching. Privately contracted smolts become the property of the state at the time of release.

NEW SECTION, Sec. 6. A new section is added to chapter 75.08 RCW to read as follows:

The department may make available to private contractors salmon eggs in excess of department hatchery needs for the purpose of contract rearing to release the smolts into public waters. The priority of providing eggs to contract rearing shall be higher than providing eggs to aquaculture purposes which are not destined for release into Washington public waters.

NEW SECTION, Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "salmon;" strike the remainder of the title and insert "adding new sections to chapter 75.08 RCW; and creating a new section."

Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Brooks, Haugen, Smith and Spanel.

MINORITY recommendation: Do not pass. Signed by Representatives Bowman, Cole and Vekich.

Referred to Committee on Appropriations.

March 24, 1989

SB 5301 Prime Sponsor, Senator Williams: Updating code specifications for factory built housing. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Padden, Rector and Todd.

Absent: Representatives Ballard and Inslee.

Passed to Committee on Rules for second reading.

March 24, 1989

SB 5368 Prime Sponsor, Senator Nelson: Changing the criteria for determining priority for urban arterial improvement projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Betzoff, Cooper, Day, G. Fisher, R. Fisher, Haugen, Jones, Kremen, R. Meyers, Nelson, Prentice, Smith, D. Sommers, Todd, Walker and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representative Heavey.

Absent: Representatives Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Cantwell, Gallagher, Hankins, Patrick, Prince and S. Wilson.

Passed to Committee on Rules for second reading.

March 24, 1989

SSB 5369 Prime Sponsor, Committee on Economic Development & Labor: Increasing mobile home space availability. Reported by Committee on Housing

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 280, Laws of 1988 and RCW 59.22.050 are each amended to read as follows:

(1) In order to provide general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department shall establish an office of mobile home affairs which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing.

This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to provide technical assistance to resident organizations or persons in the process of forming a resident organization pursuant to chapter 59.22 RCW. The office will keep records of its activities in this area.

(2) In addition, the office shall work with the mobile home space availability and affordability task force to develop recommendations to (a) increase the availability of mobile home park spaces, (b) stabilize rent levels through traditional market forces of supply and demand and through incentives such as current use valuation of mobile home parks, but not through artificial controls on rent, and (c) allow senior citizens on fixed incomes to continue living in their mobile homes, including the possibility of direct subsidies.

The mobile home space availability and affordability task force shall be comprised of four legislators, one from each caucus in the house of representatives appointed by the speaker of the house and one from each caucus in the senate appointed by the president of the senate, two representatives of park-owners, two representatives of tenants, and two representatives of local governments. All nonlegislative members shall be appointed by the director of the department of community development. Staffing for the task force shall be supplied by the department of community development, the house of representatives housing committee, and the senate economic development and labor committee.

(3) In developing these recommendations the office and the task force shall:

(a) Review the ordinances of local government to assess their impact on the availability of mobile home rental spaces;

(b) Consult with federal, state, and local agencies, senior citizen organizations, the real estate industry, and other groups as it considers necessary;

(c) Use, to the fullest extent possible, the services, facilities, information, and advice of public and private agencies, organizations, and individuals in order to avoid duplication of effort and expense; and

(d) Hold public hearings to allow public input and involvement."

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "and amending RCW 59.22.050."

Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Padden, Rector and Todd.

Absent: Representatives Ballard and Inslee.

Passed to Committee on Rules for second reading.

March 24, 1989

SB 5384 Prime Sponsor, Senator Patterson: Exempting state ferry fuel from sales and use tax. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Betzoff, Cooper, Day, G. Fisher, R. Fisher, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Prentice, Smith, D. Sommers, Todd, Walker and Zellinsky.

Absent: Representatives Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Cantwell, Gallagher, Hankins, Patrick, Prince and S. Wilson.

Referred to Committee on Revenue.

March 27, 1989

SB 5393 Prime Sponsor, Senator Johnson: Revising provisions for educational assistance for nurses. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Doty, Fraser, Heavey, Inslee, Miller, H. Myers, Prince, Rector and Wood.

Absent: Representatives Van Luven, Ranking Republican Member; and Basich.

Passed to Committee on Rules for second reading.

March 23, 1989

SB 5464 Prime Sponsor, Senator von Reichbauer: Changing provisions relating to boxing and wrestling. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Boxing' includes, but is not limited to, sumo, judo, and karate in addition to fisticuffs, but does not include professional wrestling.

(2) 'Commission' means the professional athletic commission.

(3) 'Promoter' means any person and, in the case of a corporation, an officer, director, employee, or shareholder thereof, who produces, arranges, or stages any professional wrestling exhibition or boxing contest.

(4) 'Wrestling exhibition' or 'wrestling show' means a form of sports entertainment in which the participants display their skills in a struggle against each other in the ring and either the outcome may be predetermined or the participants do not necessarily strive to win, or both.

NEW SECTION. Sec. 2. A promoter shall have an ambulance or paramedical unit present at the arena in case a serious injury occurs unless an ambulance or paramedical unit is located within five miles of the arena and that unit is on call for such an occurrence.

NEW SECTION. Sec. 3. A promoter shall ensure that adequate security personnel are in attendance at a wrestling exhibition or boxing contest to control fans in attendance. The size of the security force shall be determined by mutual agreement of the promoter, the person in charge of operating the arena or other facility, and the commission.

NEW SECTION. Sec. 4. (1) It is unlawful for any promoter or person associated with or employed by any promoter to destroy any ticket or ticket stub, whether sold or unsold, within three months after the date of any exhibition or show.

(2) It is unlawful for any wrestler to deliberately cut himself or herself or otherwise mutilate himself or herself while participating in a wrestling exhibition.

(3) Any licensee convicted under chapter 69.50 RCW shall have his or her license revoked.

(4) The striking of any person that is not a licensed participant at a wrestling exhibition or show shall constitute grounds for suspension, revocation, or both.

Sec. 5. Section 1, chapter 184, Laws of 1933 as last amended by section 1, chapter 19, Laws of 1988 and RCW 67.08.001 are each amended to read as follows:

~~((1)) For the purposes of this chapter, 'boxing' includes, but is not limited to, wrestling, sumo, judo, and karate in addition to fistcuffs.~~

~~((2)) There is hereby created and established a state commission to be known and designated as the 'state ((boxing)) professional athletic commission' and in this chapter referred to as the commission. The commission shall be composed of three members who shall be appointed by the governor and shall be subject to removal at the pleasure of the governor. The members of the first commission to be appointed after June 7, 1933, shall be appointed for the terms beginning July 1, 1933, and expiring as follows: One commissioner for the term expiring January 31, 1934, one commissioner for the term expiring January 31, 1935, and one commissioner for the term expiring January 31, 1936. Each of the first commissioners appointed shall hold office until his successor is appointed and qualified. Upon the expiration of the terms of the three commissioners first appointed, each succeeding commissioner shall be appointed to hold office for a term of four years and until his successor shall have been appointed and qualified. In case of a vacancy, it shall be filled by the appointment by the governor for the unexpired portion of the term in which such vacancy occurs.~~

Sec. 6. Section 9, chapter 184, Laws of 1933 and RCW 67.08.030 are each amended to read as follows:

(1) Every ((licensee)) boxing promoter, as a condition for receiving a license ((as herein provided for)), shall file a good and sufficient bond in the sum of ((one)) ten thousand dollars with the commission ((in cities of less than one hundred fifty thousand inhabitants and of two thousand five hundred dollars in cities of more than one hundred fifty thousand inhabitants condition (conditioned) for)), conditioned upon the faithful performance by such licensee of the provisions of this chapter, the payment of the taxes, officials, and contracts as provided for herein and the ((obeyance (observance))) observance of all rules and regulations of the commission, which bond shall be subject to the approval of the attorney general.

(2) Every promoter of a wrestling exhibition or closed circuit telecast as a condition of receiving a license as provided for under this chapter shall file a good and sufficient bond in the sum of one thousand dollars with the commission in cities of less than one hundred fifty thousand inhabitants and of two thousand five hundred dollars in cities of more than one hundred fifty thousand inhabitants conditioned upon the faithful performance by such licensee of the provisions of this chapter, the payment of the taxes and officials provided for herein and the observance of all rules and regulations of the commission, which bond shall be subject to the approval of the attorney general.

(3) Boxing promoters must obtain medical insurance to cover any injuries incurred by participants at the time of the event.

Sec. 7. Section 11, chapter 184, Laws of 1933 and RCW 67.08.050 are each amended to read as follows:

(1) Any ((licensee)) promoter as herein provided shall within ((three)) seven days prior to the holding of any boxing contest or sparring ((and/or wrestling)) match or exhibition file with the commission a statement setting forth the name of each ((contestant)) licensee, his or her manager or managers and such other information as the commission may require ((and shall, within seventy-two hours after)). Any promoter shall, within seven days before holding any wrestling exhibition or show, file with the commission a statement setting forth the name of each contestant, his or her manager or managers, and such other information as the commission may require. Participant changes within a twenty-four hour period regarding a wrestling exhibition or show may be allowed after notice to the commission, if the new participant holds a valid license under this chapter. The commission may stop any event that is a part of a wrestling exhibition wherein any participant is not licensed under this chapter. Upon the termination of any contest or exhibition the promoter shall file with the designated commission representative a written report, duly verified as the commission may require showing the number of tickets sold for such contest, the price charged for such tickets and the gross proceeds thereof, and such other and further information as the commission may require. ((Such licensee)) The promoter shall pay to the commission at the time of filing the above report a tax equal to five percent of such gross receipts and said five percent of such gross receipts shall be immediately paid by the commission into the state ((athletic)) general fund ((of the state of Washington which is hereby created)).

(2) The number of complimentary tickets shall be limited to two percent of the total tickets sold per event location. All complimentary tickets exceeding this set amount shall be subject to taxation.

Sec. 8. Section 14, chapter 184, Laws of 1933 as last amended by section 1, chapter 45, Laws of 1974 ex. sess. and RCW 67.08.080 are each amended to read as follows:

No boxing contest or sparring exhibition held in this state whether under the provisions of this chapter or otherwise shall be for more than ten rounds and no one round of any such contest or exhibition shall be scheduled for ((a longer period)) less than or longer than three minutes and there shall be not less than one minute intermission between each round. In the event of bouts involving state or regional championships the commission may grant an extension of no more than two additional rounds to allow total bouts of twelve rounds, and in bouts involving national championships the commission may grant an extension of no more than five

additional rounds to allow total bouts of fifteen rounds. No contestant in any boxing contest or sparring match or exhibition whether under this chapter or otherwise shall be permitted to wear gloves weighing less than ~~((six)) eight~~ ounces. ~~((The length and duration for wrestling matches whether held under the provisions of this chapter or otherwise shall be regulated by order of the commission.))~~ The commission shall promulgate rules and regulations to assure clean and sportsmanlike conduct on the part of all contestants and officials, and the orderly and proper conduct of the contest in all respects, and to otherwise make rules and regulations consistent with this chapter, but such rules and regulations shall apply only to contests held under the provisions of this chapter.

Sec. 9. Section 15, chapter 184, Laws of 1933 and RCW 67.08.090 are each amended to read as follows:

Each contestant for boxing ~~((;))~~ or sparring ~~((or wrestling))~~ shall be examined within eight hours prior to the contest by a competent physician appointed by the commission. The physician shall forthwith and before such contest report in writing and over his or her signature the physical condition of each and every contestant to the commissioner or inspector present at such contest. No contestant whose physical condition is not approved by the examining physician shall be permitted to participate in any contest. Blank forms of physicians' report shall be provided by the commission and all questions upon such blanks shall be answered in full. The examining physician shall be paid a fee designated by the commission by the ~~((licensee)) promoter~~ conducting such match or exhibition. The commission may have a participant in a wrestling exhibition or show examined by a physician appointed by the commission prior to the exhibition or show. A participant in a wrestling exhibition or show whose condition is not approved by the examining physician shall not be permitted to participate in the exhibition or show. No boxing contest ~~((or)),~~ sparring ~~((or wrestling))~~ match, or exhibition shall be held unless a licensed physician of the commission or his or her duly appointed representative ~~((; shall be))~~ is present throughout the contest. The commission may require that a physician be present at a wrestling exhibition or show. Any physician present at a wrestling show or exhibition shall be paid for by the promoter.

Any practicing physician and surgeon may be selected by the board as the examining physician. Such physician present at such contest shall have authority to stop any contest when in ~~((his)) the physician's~~ opinion it would be dangerous to a contestant to continue, and in such event it shall be ~~((his)) the physician's~~ duty to stop such contest. ~~((If he has acted as examining physician he shall receive no fee for being present at such contest.))~~

Sec. 10. Section 16, chapter 184, Laws of 1933 as amended by section 6, chapter 305, Laws of 1959 and RCW 67.08.100 are each amended to read as follows:

(1) The commission may grant annual licenses upon application in compliance with the rules and regulations prescribed by the commission, and the payment of the fees, the amount of which is to be determined by the commission, prescribed to promoters, managers, referees, boxers, wrestlers, and seconds ~~((and trainers))~~; PROVIDED, That the provisions of this section shall not apply to contestants or participants in strictly amateur contests and/or fraternal organizations and/or veterans' organizations chartered by congress or the ~~((war))~~ defense department or any bona fide athletic club which is a member of the Pacific northwest association of the amateur athletic union of the United States, holding and promoting athletic contests ~~((or smokers))~~ and where all funds are used primarily for the benefit of their members.

(2) Any such license may be revoked by the commission for any cause which it shall deem sufficient.

(3) No person shall participate or serve in any of the above capacities unless licensed as ~~((herein))~~ provided in this chapter.

(4) The referee for any boxing contest shall be designated by the commission from among such licensed referees.

(5) The referee for any wrestling exhibition or show shall be provided by the promoter and licensed by the commission.

Sec. 11. Section 17, chapter 184, Laws of 1933 and RCW 67.08.110 are each amended to read as follows:

Any person or any member of any group of persons or corporation promoting ~~((wrestling or))~~ boxing exhibitions or contests who shall participate directly or indirectly in the purse or fee of any manager of any boxers ~~((or wrestlers))~~ or any boxer ~~((or any wrestler))~~ and any licensee who shall conduct or participate in any sham or fake boxing contest or sparring ~~((or wrestling))~~ match or exhibition shall thereby forfeit its license and the commission shall declare such ~~((licensee (license))~~ license canceled and void and such licensee shall not thereafter be entitled to receive another such, or any license issued pursuant to the provisions of this chapter.

Sec. 12. Section 18, chapter 184, Laws of 1933 and RCW 67.08.120 are each amended to read as follows:

Any contestant or licensee who shall participate in any sham or fake boxing contest ~~((or sparring or wrestling)),~~ match, or exhibition ~~((or))~~ and any licensee or participant who violates any rule or regulation of the commission shall be penalized in the following manner: For the first offense he shall be restrained by order of the commission for a period of not less than three

months from participating in any contest held under the provisions of this chapter, such suspension to take effect immediately after the occurrence of the offense; for any second offense such contestant shall be forever suspended from participation in any contest held under the provisions of this chapter.

Sec. 13. Section 7, chapter 184, Laws of 1933 as amended by section 2, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.010 are each amended to read as follows:

The commission shall have power to issue and for cause to revoke a license to conduct boxing contests ~~((or))~~, sparring matches, or wrestling ~~((matches))~~ shows or exhibitions including a simultaneous telecast of any live, current or spontaneous boxing, sparring or wrestling match or performance on a closed circuit telecast within this state, whether originating in this state or elsewhere, and for which a charge is made, as herein provided under such terms and conditions and at such times and places as the commission may determine. Such licenses shall entitle the holder thereof to conduct boxing contests and sparring and/or wrestling matches and exhibitions under such terms and conditions and at such times and places as the commission may determine. In case the commission shall refuse to grant a license to any applicant, or shall cancel any license, such applicant, or the holder of such canceled license shall be entitled, upon application, to a hearing to be held not less than sixty days after the filing of such order at such place as the commission may designate: PROVIDED, HOWEVER, That if it has been found by a valid finding and such finding is fully set forth in such order, that the applicant or licensee has been guilty of disobeying any provision of this chapter, such hearing shall be denied.

Sec. 14. Section 2, chapter 9, Laws of 1977 and RCW 67.08.015 are each amended to read as follows:

The commission shall have power and it shall be its duty to direct, supervise, and control all boxing contests ~~((or))~~, sparring matches, and wrestling ~~((matches))~~ shows or exhibitions conducted within the state and no such boxing contest, sparring match, or wrestling ~~((match))~~ show or exhibition shall be held or given within this state except in accordance with the provisions of this chapter. The commission may, in its discretion, issue and for cause revoke a license to conduct, hold or give boxing ~~((:))~~ and sparring ~~((and/or wrestling))~~ contests, ~~((matches))~~ and wrestling shows and exhibitions where an admission fee is charged by any club, corporation, organization, association, or fraternal society: PROVIDED, HOWEVER, That all boxing contests, sparring or wrestling matches or exhibitions which:

(1) Are conducted by any common school, college, or university, whether public or private, or by the official student association thereof, whether on or off the school, college, or university grounds, where all the participating contestants are bona fide students enrolled in any common school, college, or university, within or without this state: or

(2) Are entirely amateur events promoted on a nonprofit basis or for charitable purposes; shall not be subject to the provisions of this chapter: PROVIDED, FURTHER, That every contestant in any boxing contest ~~((:))~~ or sparring ~~((or wrestling))~~ match not conducted under the provisions of this chapter, prior to engaging in any such contest or match, shall be examined by a practicing physician at least once in each calendar year or, where such contest is conducted by a common school, college or university as further described in this section, once in each academic year in which instance such physician shall also designate the maximum and minimum weights at which such contestant shall be medically certified to participate: PROVIDED FURTHER, That no contestant shall be permitted to participate in any such boxing contest, sparring or wrestling match or exhibition in any weight classification other than that or those for which he is certificated: PROVIDED FURTHER, That the organizations exempted by this section from the provisions of this chapter shall be governed by RCW 67.08.080 as said section applies to boxing contests ~~((:))~~ or sparring ~~((or wrestling))~~ matches or exhibitions conducted by organizations exempted by this section from the general provisions of this chapter. No boxing contest ~~((or))~~, sparring match, or wrestling ~~((match))~~ show or exhibition shall be conducted within the state except pursuant to a license issued in accordance with the provisions of this chapter and the rules and regulations of the commission except as hereinabove provided.

Sec. 15. Section 5, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.055 are each amended to read as follows:

Every licensee who charges and receives an admission fee for exhibiting a simultaneous telecast of any live, current, or spontaneous boxing or sparring match, or wrestling exhibition or ~~((performance))~~ show on a closed circuit telecast viewed within this state shall, within seventy-two hours after such event, furnish to the commission a verified written report on a form which is supplied by the commission showing the number of tickets issued or sold, and the gross receipts therefor without any deductions whatsoever. Such licensee shall also, at the same time, pay to the commission a tax equal to five percent of such gross receipts paid for admission to the showing of the contest, match or exhibition. In no event, however, shall the tax be less than twenty-five dollars. The tax shall apply uniformly at the same rate to all persons subject to the tax. Such receipts shall be immediately paid by the commission into the general fund of the state.

Sec. 16. Section 12, chapter 184, Laws of 1933 as last amended by section 2, chapter 19, Laws of 1988 and RCW 67.08.060 are each amended to read as follows:

The commission may appoint official inspectors at least one of which, in the absence of a member of the commission, shall be present at any boxing contest or sparring (~~and/or wrestling~~) match or exhibition held under the provisions of this chapter and may be present at any wrestling exhibition or show. Such inspectors shall carry a card signed by the chairman of the commission evidencing their authority. It shall be their duty to see that all rules and regulations of the commission and the provisions of this chapter are strictly complied with and to be present at the accounting of the gross receipts of any contest, and such inspector is authorized to receive from the licensee conducting the contest the statement of receipts herein provided for and to immediately transmit such reports to the commission. Each inspector shall receive a fee from the licensee to be set by the commission for each contest officially attended. Each inspector shall also receive from the state travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 17. Section 22, chapter 184, Laws of 1933 as last amended by section 3, chapter 19, Laws of 1988 and RCW 67.08.140 are each amended to read as follows:

Any person, club, corporation, organization, association, (~~or~~) fraternal society, participant, or promoter conducting (~~within this state~~) or participating in boxing contests, sparring matches, or wrestling (contests) shows or exhibitions within this state without having first obtained a license therefor in the manner provided by this chapter is in violation of this chapter and shall be guilty of a misdemeanor excepting such contests excluded from the operation of this chapter by RCW 67.08.015. The attorney general, each prosecuting attorney, the commission, or any citizen of any county where any person, club, corporation, organization, association, (~~or~~) fraternal society, promoter, or participant shall threaten to hold, or appears likely to hold or participate in athletic contests or exhibitions in violation of this chapter, may in accordance with the laws of this state governing injunctions, enjoin such person, club, corporation, organization, association, (~~or~~) fraternal society, promoter, or participant from holding or participating in such contest or exhibition.

NEW SECTION, Sec. 18. Sections 1 through 4 of this act are each added to chapter 67.08 RCW.

NEW SECTION, Sec. 19. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "boxing;" strike the remainder of the title and insert "amending RCW 67.08.001, 67.08.030, 67.08.050, 67.08.080, 67.08.090, 67.08.100, 67.08.110, 67.08.120, 67.08.010, 67.08.015, 67.08.055, 67.08.060, and 67.08.140; adding new sections to chapter 67.08 RCW; prescribing penalties; and declaring an emergency."

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector and Sayan.

Absent: Representative Silver.

Passed to Committee on Rules for second reading.

March 24, 1989

SB 5466 Prime Sponsor, Senator McCaslin: Removing an employee of the insurance commissioner from the building code council. Reported by Committee on Housing

MAJORITY recommendation: Do pass with the following amendments.

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 6, chapter 96, Laws of 1974 ex. sess. as last amended by section 12, chapter 462, Laws of 1987 and RCW 19.27.060 are each amended to read as follows:

(1) The governing bodies of counties and cities may amend the codes enumerated in RCW 19.27.031 as they apply within their respective jurisdictions, but the amendments shall not result in a code that is less than the minimum performance standards and objectives contained in the state building code. No amendment to a code enumerated in RCW 19.27.031 that affects single family or multifamily residential buildings shall be effective unless the amendment is approved by the building code council under RCW 19.27.074(1)(b). Any county or city amendment to a code enumerated in RCW 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue to be effective after any action is taken under RCW 19.27.074(1)(a) without necessity of reapproval under RCW 19.27.074(1)(b) unless the amendment is declared null and void by the council at the time any action is taken under RCW 19.27.074(1)(a) because such action in any way altered the impact of the amendment.

(2) Except as permitted or provided otherwise under this section, the state building code shall be applicable to all buildings and structures including those owned by the state or by any governmental subdivision or unit of local government.

(3) The governing body of each county or city may limit the application of any portion of the state building code to exclude specified classes or types of buildings or structures according to use other than single family or multifamily residential buildings: PROVIDED, That in no

event shall fruits or vegetables of the tree or vine stored in buildings or warehouses constitute combustible stock for the purposes of application of the uniform fire code.

(4) The provisions of this chapter shall not apply to any building four or more stories high with a B occupancy as defined by the uniform building code, 1982 edition, and with a city fire insurance rating of 1, 2, or 3 as defined by a recognized fire rating bureau or organization.

(5) No provision of the uniform fire code concerning roadways shall be part of the state building code: PROVIDED, That this subsection shall not limit the authority of a county or city to adopt street, road, or access standards.

(6) The provisions of the state building code may be preempted by any city or county to the extent that the code provisions relating to the installation or use of sprinklers in jail cells conflict with the secure and humane operation of jails.

(7) (a) Effective one year after the effective date of this section, the governing bodies of counties and cities may adopt an ordinance or resolution to exempt from permit requirements certain construction or alteration of either group R, division 3, or group M, division 1 occupancies, or both, as defined in the uniform building code, 1988 edition, for which the total cost of fair market value of the construction or alteration does not exceed fifteen hundred dollars. The permit exemption shall not otherwise exempt the construction or alteration from the substantive standards of the codes enumerated in RCW 19.27.031, as amended and maintained by the state building code council under RCW 19.27.070.

(b) Prior to the effective date of this section, the state building code council shall adopt by rule, guidelines exempting from permit requirements certain construction and alteration activities under (a) of this subsection.

Sec. 2. Section 7, chapter 96, Laws of 1974 ex. sess. as last amended by section 7, chapter 505, Laws of 1987 and RCW 19.27.070 are each amended to read as follows:

There is hereby established a state building code council to be appointed by the governor.

(1) The state building code council shall consist of fifteen members, two of whom shall be county elected legislative body members or elected executives and two of whom shall be city elected legislative body members or mayors. One of the members shall be a local government building code enforcement official and one of the members shall be a local government fire service official. Of the remaining nine members, one member shall represent general construction, specializing in commercial and industrial building construction; one member shall represent general construction, specializing in residential and multifamily building construction; one member shall represent the architectural design profession; one member shall represent the structural engineering profession; one member shall represent the mechanical engineering profession; one member shall represent the construction building trades; one member shall represent manufacturers, installers, or suppliers of building materials and components; one member shall be a person with a physical disability and shall represent the disability community; and one member shall represent the general public. At least six of these fifteen members shall reside east of the crest of the Cascade mountains. The council shall include ((an employee of the office of the insurance commissioner)); Two members of the house of representatives appointed by the speaker of the house, one from each caucus; two members of the senate appointed by the president of the senate, one from each caucus; and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership. Terms of office shall be for three years. The council shall elect a member to serve as chair of the council for one-year terms of office. Any member who is appointed by virtue of being an elected official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment. Before making any appointments to the building code council, the governor shall seek nominations from recognized organizations which represent the entities or interests listed in this subsection. Members serving on the council on July 28, 1985, may complete their terms of office. Any vacancy shall be filled by alternating appointments from governmental and nongovernmental entities or interests until the council is constituted as required by this subsection.

(2) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The department of community development shall provide administrative and clerical assistance to the building code council.

Sec. 3. Section 36.21.070, chapter 4, Laws of 1963 as amended by section 1, chapter 134, Laws of 1987 and RCW 36.21.070 are each amended to read as follows:

Upon receipt of ((such)) a copy of a building permit, the county assessor shall, within twelve months of the date of issue of such permit, proceed to make a physical appraisal of the building or buildings covered by the permit.

Sec. 4. Section 36.21.080, chapter 4, Laws of 1963 as last amended by section 5, chapter 319, Laws of 1987 and RCW 36.21.080 are each amended to read as follows:

The county assessor is authorized to place any property ((under the provisions of RCW 36.21.040 through 36.21.066)) that is increased in value due to construction or alteration for which a building permit was issued, or should have been issued, under chapter 19.27, 19.27A,

or 19.28 RCW or other laws providing for building permits on the assessment rolls for the purposes of tax levy up to August 31st of each year. The assessed valuation of the property (~~under the provisions of RCW 36.21.040 through 36.21.060~~) shall be considered as of July 31st of that year.

NEW SECTION. Sec. 5. A new section is added to chapter 19.27 RCW to read as follows:

A copy of any permit obtained under the state building code for construction or alteration work of a total cost or fair market value in excess of five hundred dollars, shall be transmitted by the issuing authority to the county assessor of the county where the property on which the construction or alteration work is located. The building permit shall contain the county assessor's parcel number.

NEW SECTION. Sec. 6. A new section is added to chapter 19.27 RCW to read as follows:

Every month a copy of the United States department of commerce, bureau of the census' report of building or zoning permits issued and local public construction' or equivalent report shall be transmitted by the governing bodies of counties and cities to the department of community development.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

- (1) Section 36.21.040, chapter 4, Laws of 1963 and RCW 36.21.040;
- (2) Section 36.21.050, chapter 4, Laws of 1963 and RCW 36.21.050; and
- (3) Section 36.21.060, chapter 4, Laws of 1963, section 1, chapter 318, Laws of 1985 and RCW 36.21.060."

On page 1, line 1 of the title, after "council;" strike the remainder of the title and insert "amending RCW 19.27.060, 19.27.070, 36.21.070, and 36.21.080; adding new sections to chapter 19.27 RCW; and repealing RCW 36.21.040, 36.21.050, and 36.21.060."

Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Padden, Rector and Todd.

Absent: Representatives Ballard and Inslee.

Passed to Committee on Rules for second reading.

March 27, 1989

SSB 5481 Prime Sponsor, Committee on Health Care & Corrections: Including education and prevention services in the impaired physician program. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 24 insert a new section to read as follows:

NEW SECTION. Sec. 3. The sum of two hundred and seventy thousand dollars, or as much thereof as may be necessary, is appropriated from the health professions account to the department of licensing for the biennium ending June 30, 1991 to carry out the purposes of this act."

Renumber the remaining section consecutively.

On page 1, line 2 of the title after "18.72.306;" insert "making an appropriation."

Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprenkle, Vekich and Wolfe.

Absent: Representative Cantwell.

Referred to Committee on Appropriations.

March 27, 1989

SSB 5501 Prime Sponsor, Committee on Health Care & Corrections: Modifying indemnification of contract providers to the department of corrections. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprenkle, Vekich and Wolfe.

Absent: Representative Cantwell.

Passed to Committee on Rules for second reading.

March 27, 1989

SSB 5503 Prime Sponsor, Committee on Higher Education: Establishing the Cherberg scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. In honor of former Lieutenant Governor John A. Cherberg's years of service to the state of Washington, a Cherberg scholarship program for students pursuing a career in public service should be created. Cherberg's thirty-two distinguished years in the state legislature since 1956 are a model of public service for future generations. Students should be given the chance to work toward a career in public service where they can serve as leaders in our community.

Currently, most financial aid is given in the form of loans. Many students who desire a career in public service are turned toward jobs in business where they can make enough money to pay off school loans. Upper division and graduate students who emulate Cherberg's successes should receive an affordable education to enable them to serve our society.

There is also an increasing need for young people in public service to correct the problems our state and nation has created and fill these societal needs.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 4 of this act.

(1) 'Board' means the higher education coordinating board.

(2) 'Institution of higher education' means any public university or college operated by the state which offers a baccalaureate degree, or any independent university or college in the state, the main campus of which is permanently situated in the state, which offers a baccalaureate degree and is a member institution of an accrediting association recognized by rule of the board for the purposes of this chapter.

NEW SECTION. Sec. 3. The Cherberg scholarship program is hereby created. The board shall administer the program and shall have the following powers and duties:

(1) Appoint a screening committee composed of faculty members of institutions of higher education, leaders in government, and other persons as determined by the board;

(2) Within available funds, award Cherberg scholarships to students who meet the eligibility criteria established in this act and who are recommended by the screening committee;

(3) Publicize the scholarship program; and

(4) Solicit and accept grants and donations from public and private sources for the program.

NEW SECTION. Sec. 4. (1) The screening committee shall develop criteria for selecting recipients of the Cherberg scholarships and shall make recommendations to the board on the selection of recipients. Criteria shall include a demonstrated interest in public service as indicated in a written competition that shall be submitted with the scholarship application. Interest in working as a public servant shall be defined as desiring employment in the government system, or planning to perform public service. Applicants shall be encouraged from a broad mix of academic disciplines.

(2) Students eligible for the scholarship must be registered full time, hold at least a cumulative grade point average of three out of a possible four points or the equivalent for each academic year in an institution of higher education, be a resident student as defined by RCW 28B.15.012, have declared a major, and have completed at least sixty semester credit hours or the equivalent towards an undergraduate degree or be enrolled in a program leading to a graduate degree at an institution of higher education.

(3) At least one-half of the scholarships shall be awarded to needy students as defined by RCW 28B.10.802.

(4) The maximum amount of the Cherberg scholarship for a student attending a public institution of higher education is the annual, full-time, resident, tuition and services and activities fees at the institution at the undergraduate or graduate level, as appropriate. The maximum amount of the Cherberg scholarship for a student attending an independent college or university is the annual, full-time, resident, undergraduate tuition and services and activities fees at the state-funded research universities. The scholarships are for a period of one academic year and are nonrenewable.

(5) No more than two scholarships shall be awarded to students attending any one institution of higher education in any one academic year.

(6) No scholarship shall be awarded to any student who is pursuing a degree in theology.

NEW SECTION. Sec. 5. Within available funds, for the 1989-91 biennium, the higher education coordinating board shall award Cherberg scholarships to twenty-two students.

NEW SECTION. Sec. 6. Sections 1 through 4 of this act are each added to chapter 28B.10 RCW."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "adding new sections to chapter 28B.10 RCW; and creating a new section."

Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Doty, Fraser, Heavey, Inslee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Absent: Representatives Van Luven, Ranking Republican Member; and Basich.

Referred to Committee on Appropriations.

March 24, 1989

SB 5552 Prime Sponsor, Senator Patterson: Repealing filing requirements for interstate tariffs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Betzozoff, Cooper, Day, G. Fisher, R. Fisher, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Prentice, Smith, D. Sommers, Todd, Walker and Zellinsky.

Voting nay: Representative Smith.

Absent: Representatives Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Cantwell, Gallagher, Hankins, Patrick, Prince and S. Wilson.

Passed to Committee on Rules for second reading.

March 24, 1989

ESSB 5566 Prime Sponsor, Committee on Environment & Natural Resources: Creating the safe drinking water act. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

On page 9, line 27 after "servicing" strike "fewer than five" and insert "only one"

On page 11, line 6 after "servicing" strike "fewer than five" and insert "only one"

Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprenkle, Van Luven and Walker.

Absent: Representatives Valle, Vice Chair; Sprenkle, Van Luven and Walker.

Passed to Committee on Rules for second reading.

March 27, 1989

SSB 5614 Prime Sponsor, Committee on Health Care & Corrections: Monitoring a substance abuse program for dentists. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:

On page 3, after line 15 add a new section to read as follows:

"NEW SECTION, Sec. 4. The sum of three hundred and ten thousand, five hundred and sixty dollars, or as much thereof as may be necessary, is appropriated from the health professions account to the department of licensing for the biennium ending June 30, 1991 to carry out the purposes of this act."

Renumber the remaining sections consecutively.

On page 1, line 4 of the title after "18.130 RCW;" insert "making an appropriation."

Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Vekich and Wolfe.

Absent: Representative Sprenkle.

Referred to Committee on Appropriations.

March 27, 1989

SB 5676 Prime Sponsor, Senator Cantu: Designating state route number 901 a scenic highway. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzozoff, Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Passed to Committee on Rules for second reading.

March 28, 1989

SB 5680 Prime Sponsor, Senator McCaslin: Deleting obsolete language from the Revised Code of Washington. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, Rector, Sayan and Silver.

Absent: Representatives Anderson, Vice Chair; and O'Brien.

Passed to Committee on Rules for second reading.

March 24, 1989

SSB 5812 Prime Sponsor, Committee on Governmental Operations: Prohibiting local regulation of public liability insurance for motor vehicle common carriers to the state. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 6 after "common" insert "and contract"

On page 1, line 8 after "common" insert "contract"

On page 1, beginning on line 16 strike all the material down to and including "insurance" on line 17 and insert "This chapter shall exclusively govern the liability insurance requirements"

Signed by Representatives Walk, Chair; Berozoff, Cooper, Day, G. Fisher, R. Fisher, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Prentice, Smith, D. Sommers, Todd, Walker and Zellinsky.

Absent: Representatives Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Cantwell, Gallagher, Hankins, Patrick, Prince and S. Wilson.

Passed to Committee on Rules for second reading.

March 24, 1989

SSB 5827 Prime Sponsor, Committee on Agriculture: Providing pet identification and certification procedures to minimize theft. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 9.08 RCW to read as follows:

As used in RCW 9.08.070:

(1) 'Pet animal' means a tamed or domesticated animal legally retained by a person and kept as a companion. 'Pet animal' does not include livestock raised for commercial purposes.

(2) 'Research institution' means any facility licensed by the United States department of agriculture to use animals in biomedical or product research.

Sec. 2. Section 1, chapter 114, Laws of 1982 and RCW 9.08.070 are each amended to read as follows:

(1) Any person who, with intent to deprive or defraud the owner thereof, does any of the following shall be guilty of a gross misdemeanor:

((1)) (a) Takes, leads away, confines, secretes or converts any ((dog)) pet animal, except in cases in which the value of the ((dog)) pet animal exceeds two hundred fifty dollars;

((2)) (b) Conceals the identity of any ((dog)) pet animal or its owner by obscuring, altering, or removing from the ((dog)) pet animal any collar, tag, license, tattoo, or other identifying device or mark; or

((3)) (c) Willfully or recklessly kills or injures any ((dog)) pet animal, unless excused by law.

((Such violations shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars, or by both such fine and imprisonment.))

(2) Except as otherwise permitted by law, any person who does any of the following shall be guilty of a class C felony punishable as prescribed under chapter 9A.20 RCW:

(a) Sells or otherwise directly transfers to a research institution in the state of Washington a pet animal that the person knows or has reason to know has been stolen or fraudulently obtained; or

(b) Sells or otherwise transfers to another person who regularly sells animals to research institutions in the state of Washington a pet animal that the person knows or has reason to know has been stolen or fraudulently obtained.

(3) The provisions of this section shall not apply to the lawful acts of any employee, agent, or director of any humane society, animal control agency, or animal shelter operated by or on behalf of any government agency, operating under law.

NEW SECTION, Sec. 3. A new section is added to chapter 16.52 RCW to read as follows:

(1) All transfers of mammals, other than rats and mice bred for use in research and livestock, to research institutions in this state, whether by sale or otherwise, shall conform with federal laws and except as to those animals obtained from a source outside the United States, shall be accompanied by one of the following written certifications, dated and signed under penalty of perjury:

(a) Breeder certification: A written statement certifying that the person signing the certification is a United States department of agriculture-licensed class A dealer whose business license in the state of Washington includes only those animals that the dealer breeds and raises as a closed or stable colony and those animals that the dealer acquires for the sole purpose of maintaining or enhancing the dealer's breeding colony, that the animal being sold is one of those animals, and that the person signing the certification is authorized to do so. The certification shall also include an identifying number for the dealer, such as a business license number.

(b) True owner certification: A written statement certifying that the animal being transferred is owned by the person signing the certification, and that the person signing the certification either (i) has no personal knowledge or reason to believe that the animal is a pet animal, or (ii) consents to having the animal used for research at a research institution. The certification shall also state the date that the owner obtained the animal, and the person or other source from whom it was obtained. The certification shall also include an identifying number for the person signing the certification, such as a drivers' license number or business license number. The certifications signed by or on behalf of a humane society, animal control agency, or animal shelter need not contain a statement that the society, agency, or shelter owns the animal, but shall state that the animal has been in the possession of the society, agency, or shelter for the minimum period required by law that entitles it to legally dispose of the animal.

(2) In addition to the foregoing certification, all research institutions in this state shall open at the time a dog or cat is transferred to it a file that contains the following information for each dog or cat transferred to the institution:

(a) All information required by federal law;

(b) The certification required by this section; and

(c) A brief description of the dog or cat (e.g. breed, color, sex, any identifying characteristics), and a photograph of the dog or cat.

The brief description may be contained in the written certification.

These files shall be maintained and open for public inspection for a period of at least two years from the date of acquisition of the animal.

(3) All research institutions in this state shall, within one hundred eighty days of the effective date of this act, adopt and operate under written policies governing the acquisition of animals to be used in biomedical or product research at that institution, which shall be binding on all employees, agents, or contractors of that institution. These policies must contain, at a minimum, the following provisions:

(a) Animals shall be acquired in accordance with the federal animal welfare act, public health service policy, and other applicable statutes and regulations;

(b) No research may be conducted on a pet animal without the written permission of the pet animal's owner;

(c) Any animal acquired by the institution that is determined to be a pet animal shall be returned to its legal owner, unless the institution has the owner's written permission to retain the animal; and

(d) A person at the institution shall be designated to have the responsibility for investigating any facts supporting the possibility that an animal in the institution's possession may be a pet animal, including any inquiries from citizens regarding their pets. This person shall devise and insure implementation of procedures to inform inquiring citizens of their right to prompt review of the relevant files required to be kept by the institution for animals obtained under subsection (2) of this section, and shall be responsible for facilitating the rapid return of any animal determined to be a pet animal to the legal owner who has not given the institution permission to have the animal or transferred ownership of it to the institution.

(4) For the purposes of this section, 'research institution' means any facility licensed by the United States department of agriculture to use animals in biomedical or product research.

NEW SECTION, Sec. 4. A new section is added to chapter 19.86 RCW to read as follows:

Any violation of RCW 9.08.070 or section 3 of this act constitutes an unfair or deceptive practice in violation of this chapter. The relief available under this chapter for violations of RCW 9.08.070 or section 3 of this act by a research institution shall be limited to only monetary penalties in an amount not to exceed two thousand five hundred dollars.

NEW SECTION, Sec. 5. A new section is added to chapter 16.52 RCW to read as follows:

No provision of RCW 9.08.070 or section 3 of this act shall in any way interfere with or impair the operation of any other provision of this chapter or Title 28B RCW, relating to higher

education or biomedical research. The provisions of RCW 9.08.070 and section 3 of this act are cumulative and nonexclusive and shall not affect any other remedy.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 3 of the title, after "research;" strike the remainder of the title and insert "amending RCW 9.08.070; adding a new section to chapter 9.08 RCW; adding a new section to chapter 19.86 RCW; adding new sections to chapter 16.52 RCW; prescribing penalties; and declaring an emergency."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Chandler, Doty, Jesernig, McLean, H. Myers, Rasmussen and Youngsman.

Absent: Representatives Baugher and Grant.

Passed to Committee on Rules for second reading.

March 28, 1989

ESSB 5868 Prime Sponsor, Committee on Environment & Natural Resources: Allowing hunters to use big game permits in January following the year of issuance. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Haugen, Smith, Spanel and Vekich.

Passed to Committee on Rules for second reading.

March 24, 1989

SB 5887 Prime Sponsor, Senator DeJarnatt: Allowing boards of county commissioners to appoint representatives to air pollution control authorities. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Sprenkle, Van Luven and Walker.

Absent: Representatives Valle, Vice Chair; Sprenkle, Van Luven and Walker.

Passed to Committee on Rules for second reading.

March 24, 1989

SB 5916 Prime Sponsor, Senator Barr: Revising provisions on labeling meat. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Chandler, Doty, Jesernig, H. Myers, Rasmussen and Youngsman.

Absent: Representatives Baugher, Grant and McLean.

Passed to Committee on Rules for second reading.

March 27, 1989

SSB 5964 Prime Sponsor, Committee on Ways & Means: Providing a use tax exemption for personal property donated to colleges and universities. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Doty, Fraser, Heavey, Inslee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Absent: Representatives Van Luven, Ranking Republican Member; and Basich.

Referred to Committee on Revenue.

March 28, 1989

ESSB 5984 Prime Sponsor, Committee on Agriculture: Modifying water conservation procedures in the Yakima river basin. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Under present physical conditions in the Yakima river basin there is an insufficient supply of water to satisfy the needs of the basin;

(b) Pursuant to P.L. 96-162, which was urged for enactment by this state, the United States is now conducting a study of ways to provide needed waters through improvements of the federal water project presently existing in the Yakima river basin;

(c) The interests of the state will be served by developing programs, in cooperation with the United States and the various water users in the basin, that increase the overall ability to manage basin waters in order to better satisfy both present and future needs for water in the Yakima river basin.

(2) It is the purpose of this chapter, consistent with these findings, to improve the ability of the state to work with the United States and various water users of the Yakima river basin in a program designed to satisfy both existing rights, and other presently unmet as well as future needs of the basin.

(3) The provisions of this chapter apply only to waters of the Yakima river basin.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Department' means the department of ecology.

(2) 'Net water savings' means the amount of water that through hydrological analysis is determined to be conserved and usable for other purposes without impairing existing water rights, reducing the ability to deliver water, or reducing the supply of water that otherwise would have been available to other water users.

(3) 'Trust water right' means that portion of an existing water right, constituting net water savings, that is no longer required to be diverted for beneficial use due to the installation of a water conservation project that improves an existing system. The term 'trust water right' also applies to any other water right acquired by the department under this chapter for management in the Yakima river basin trust water rights program.

(4) 'Water conservation project' means any project funded to further the purposes of this chapter and that achieves physical or operational improvements of efficiency in existing systems for diversion, conveyance, or application of water under existing water rights.

NEW SECTION. Sec. 3. (1) The department may acquire water rights, including but not limited to storage rights, by purchase, gift, or other appropriate means other than by condemnation, from any person or entity or combination of persons or entities. Once acquired, such rights are trust water rights.

(2) The department may make such other arrangements, including entry into contracts with other persons or entities as appropriate to ensure that trust water rights acquired in accordance with this chapter can be exercised to the fullest possible extent.

(3) The trust water rights may be acquired on a temporary or permanent basis.

NEW SECTION. Sec. 4. (1) For the purposes of this chapter, the department is authorized to enter into contracts with water users for the purpose of providing moneys to users to assist in the financing of water conservation projects. In exchange for the financial assistance provided for the purposes of this chapter, the water users shall convey the trust water rights, created as a result of the assistance, to the department of ecology.

(2) No contract shall be entered into by the department with a water user under this chapter unless it appears to the department that, upon the completion of a water conservation project financed with moneys as provided in this section, a valid water right exists for conveyance to the department.

(3) The department shall cooperate fully with the United States in the implementation of this chapter. Trust water rights may be acquired through expenditure of funds provided by the United States and shall be treated in the same manner as trust water rights resulting from the expenditure of state funds.

(4) When water is proposed to be acquired by or conveyed to the department as a trust water right by an irrigation district, evidence of the district's authority to represent the water right holders must be submitted to, and for the satisfaction of, the department.

(5) The department shall not acquire an individual's water right under this chapter that is appurtenant to land lying within an irrigation district without the approval of the board of directors of the irrigation district.

NEW SECTION. Sec. 5. (1) All trust water rights acquired by the department shall be placed in the Yakima river basin trust water rights program to be managed by the department. The department shall issue a water right certificate in the name of the state of Washington for each trust water right it acquires.

(2) Trust water rights shall retain the same priority date as the water right from which they originated. Trust water rights may be modified as to purpose or place of use or point of diversion, including modification from a diversionary use to a nondiversionary instream use.

(3) Trust water rights may be held by the department for instream flows and/or irrigation use.

(4) A schedule of the amount of net water saved as a result of water conservation projects carried out in accordance with this chapter, shall be developed annually to reflect the predicted hydrologic and water supply conditions, as well as anticipated water demands, for the upcoming irrigation season. This schedule shall serve as the basis for the distribution and management of trust water rights each year.

(5) No exercise of a trust water right may be authorized unless the department first determines that no existing water rights, junior or senior in priority, will be impaired as to their exercise or injured in any manner whatever by such authorization. Before any trust water right is exercised, the department shall publish notice thereof in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use are to be made, and in such other newspapers as the department determines are necessary, once a week for two consecutive weeks. At the same time the department may also send notice thereof containing pertinent information to the director of fisheries and the director of wildlife.

(6) RCW 90.03.380 and 90.14.140 through 90.14.910 shall have no applicability to trust water rights held by the department under this chapter or exercised under this section.

NEW SECTION. Sec. 6. The department may adopt rules as appropriate to ensure full implementation of this chapter.

NEW SECTION. Sec. 7. The policies and purposes of this chapter shall not be construed as replacing or amending the policies or the purposes for which funds available under chapter 43.83B or 43.99E RCW may be used within or without the Yakima river basin.

NEW SECTION. Sec. 8. It is not the intent of this chapter to facilitate the transfer of water rights from one irrigation district to another.

NEW SECTION. Sec. 9. Nothing in this chapter shall authorize the impairment or operate to impair any existing water rights.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 90 RCW."

On page 1, line 1 of the title, after "basin," strike the remainder of the title and insert "and adding a new chapter to Title 90 RCW."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Chandler, Doty, Grant, Jesernig, McLean, H. Myers, Rasmussen and Youngsman.

Absent: Representatives H. Myers and Rasumussen.

Passed to Committee on Rules for second reading.

March 27, 1989

SB 6002 Prime Sponsor, Senator Bauer: Creating a summer school program for the blind. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representative Betzoff, Ranking Republican Member.

Referred to Committee on Appropriations.

March 27, 1989

SSB 6003 Prime Sponsor, Committee on Education: Permitting school and educational service districts to provide employees with postretirement medical benefits for unused sick leave. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representative Betzoff, Ranking Republican Member.

Passed to Committee on Rules for second reading.

March 27, 1989

SB 6012 Prime Sponsor, Senator Lee: Permitting the leasing of surplus school property. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 7, insert the following:

"Sec. 2. Section 4, chapter 115, Laws of 1980 as last amended by section 15, chapter 59, Laws of 1983 and RCW 28A.58.035 are each amended to read as follows:

Each school district's board of directors shall deposit moneys derived from the lease, rental or occasional use of surplus school property as follows:

(1) Moneys derived from real property shall be deposited into the district's debt service fund and/or capital projects fund except for moneys required to be expended for general maintenance, utility, insurance costs, and any other costs associated with the lease or rental of such property, which moneys shall be deposited in the district's general fund;

(2) Moneys derived from pupil transportation vehicles shall be deposited in the district's transportation vehicle fund;

(3) Moneys derived from other personal property shall be deposited in the district's general fund."

On page 1, line 2 of the title, after "28A.58.033" insert "and 28A.58.035"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Brumsickle, Cole, Dorn, Fuhrman, Holland, Horn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representative Berozoff, Ranking Republican Member.

Passed to Committee on Rules for second reading.

March 24, 1989

ESB 6076 Prime Sponsor, Senator Thorsness: Creating motorcycle public awareness program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 46.20 RCW to read as follows:

(1) Beginning July 1, 1989, the director of licensing shall develop a motorcycle public awareness program, provided funds are appropriated for this purpose. The director may contract with public and private entities for the operation of this program.

(2) There is created a motorcycle public awareness advisory board to assist the director of licensing in the development of a public awareness program. The board shall monitor this program following implementation and report to the director of licensing as necessary with recommendations including, but not limited to, administration, application, and substance of the public awareness program.

The board shall consist of nine members appointed by the director of licensing, one of whom shall be appointed chairperson. Three members of the board shall be members of non-profit motorcycle organizations which actively support and promote motorcycle safety education. One member of the board shall represent motorcycle dealerships or motorcycle related shops. One member shall be a currently employed Washington state patrol motorcycle officer with at least five years experience and at least one year cumulative experience as a motorcycle officer. One member shall be a member of the public. One member shall be a current motorcycle safety instructor with no less than two years teaching experience. One member shall be the director of licensing or the director's designee. One member shall be a member of the legislative transportation committee or the committee's designee. The term of appointment shall be two years. The board shall meet at the call of the director, but not less than three times annually and not less than six times during its term of appointment, and shall receive no compensation for services but shall be reimbursed for travel expenses while engaged in business of the board in accordance with RCW 43.03.050 and 43.03.060.

(3) The board shall submit a proposed motorcycle public awareness program to the director and to the legislative transportation committee for review and approval on or before January 1, 1990.

(4) The purpose of the program is to increase public awareness of motorcycle safety.

Sec. 2. Section 50, chapter 145, Laws of 1967 ex. sess. as last amended by section 5, chapter 227, Laws of 1988 and RCW 46.20.505 are each amended to read as follows:

Every person applying for a special endorsement or a new category of endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay ~~((a motorcycle))~~ an examination fee of two dollars which is not refundable. ~~((The))~~ In addition, the endorsement fee for the initial or new category ((examination)) motorcycle endorsement shall be ((seven)) six dollars and the subsequent renewal ((examination)) endorsement fee shall be ((five)) seven dollars and fifty cents. ((Five dollars of)) The initial or new category ~~((examination fee and five dollars of any subsequent fee for a renewal))~~ and renewal endorsement fees shall be deposited in the motorcycle safety education account of the highway safety fund.

NEW SECTION, Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "campaign," strike the remainder of the title and insert "amending RCW 46.20.505; adding a new section to chapter 46.20 RCW; and declaring an emergency."

Signed by Representatives Walk, Chair; Betrozoff, Cooper, G. Fisher, R. Fisher, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Prentice, Smith, Todd, Walker and Zellinsky.

Absent: Representatives Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Cantwell, Gallagher, Hankins, Patrick, Prince and S. Wilson.

Passed to Committee on Rules for second reading.

March 28, 1989

SJSM 8001 Prime Sponsor, Committee on Environment & Natural Resources: Requesting that sanctions be brought against foreign nations which harvest Washington state salmon. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Haugen, Smith, Spanel and Vekich.

Passed to Committee on Rules for second reading.

March 28, 1989

SJM 8013 Prime Sponsor, Senator Metcalf: Praying that the army corps of engineers install bypass facilities at hydroelectric projects. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 1, strike everything through and including "Washington." on page 2, line 31, and insert the following:

"TO THE HONORABLE GEORGE BUSH, PRESIDENT OF THE UNITED STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED, AND TO TOM TRULOVE, CHAIR OF THE NORTHWEST POWER PLANNING COUNCIL:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, The anadromous salmon and steelhead originating in the Columbia River Basin must pass the Federal Columbia River Hydroelectric Projects on the Columbia and Snake Rivers on their migration to and from the Pacific Ocean; and

WHEREAS, Three of the dams do not have bypass facilities to steer juvenile anadromous fish away from turbine intakes, and a fourth dam has inadequate bypass facilities; and

WHEREAS, The Army Corps of Engineers, which operates the dams, has failed to provide sufficient spill to enable juvenile anadromous fish to bypass turbines on their downward migration; and

WHEREAS, The lack of bypass facilities and insufficient spill has resulted in significant mortality to salmon and steelhead in the Columbia River Basin; and

WHEREAS, The following parties recently negotiated an agreement providing for spills to reduce turbine mortality of anadromous fish at the Federal Columbia River Hydroelectric Projects: The United States Department of Energy, acting by and through the Bonneville Power Administration, the Pacific Northwest Utilities Conference Committee, on behalf of its member utilities and industries, the United States Department of Interior, the National Marine Fisheries Service, in its own capacity and as delegate for the United States Department of Commerce, the Washington Department of Fisheries and the Washington Department of Wildlife, the Oregon Department of Fish and Wildlife, the Idaho Department of Fish and Game, the Columbia River Inter-Tribal Fish Commission, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes and Bands of the Yakima Indian Nation, the Confederated Tribes of the Colville Indian Reservation, and the Nez Perce Tribe of Idaho; and

WHEREAS, The agreement will substantially benefit efforts to increase the populations of the salmon and steelhead originating in the Columbia River Basin; and

WHEREAS, The Northwest Power Planning Council has amended the Columbia River Basin Fish and Wildlife Program for 1989-incorporating the provisions of the spill agreement on an interim basis at four Columbia and Snake River projects, and has further endorsed the installation of mechanical bypass facilities as superior to the present method of fish migrating through the turbines at the dams; and

WHEREAS, The Pacific Fisheries Legislative Task Force endorses the action taken by the Northwest Power Planning Council to amend the Columbia River Basin Fish and Wildlife Program to include the spill agreement, and requests the Council to expedite the amendment process to incorporate the provisions of the Spill Memorandum of Agreement; and

WHEREAS, The Washington State Legislature encourages the Northwest Power Planning Council to amend the Columbia Basin Fish and Wildlife Program to include the provisions of the Spill Memorandum of Agreement;

NOW, THEREFORE, Your Memorialists respectfully pray that the United States Congress direct the Army Corps of Engineers, as the operator of the Federal Columbia River Hydroelectric Projects, to implement the spill agreement and to install appropriate bypass facilities as soon as reasonably possible, and appropriate the funds necessary to finance expeditious construction of the bypass facilities.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable George Bush, President of the United States, Tom Trulove, chair of the Northwest Power Planning Council, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Haugen, Smith, Spanel and Vekich.

Passed to Committee on Rules for second reading.

March 24, 1989

SJR 8201 Prime Sponsor, Senator Anderson: Amending the Constitution to allow leases of up to fifty-five years for wharves, docks, and other structures within harbors. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 18, after "state," strike all material through "leases?" on line 22

Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Hargrove, Raiter and Sayan.

Absent: Representative Fuhrman.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Heavey, the bills, memorials and resolution listed on today's committee reports under the fifth order of business were referred to the committee so designated.

On motion of Mr. Heavey, the House advanced to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider Senate Bill No. 5032 on the second reading calendar. The motion was carried.

SENATE BILL NO. 5032, by Senators Pullen, Niemi and Rasmussen

Repealing obsolete sections in the revised code of Washington.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5032, and the bill passed the House by the following vote: Yeas, 89; absent, 7; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher, R. Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince,

Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 89.

Absent: Representatives Brekke, Cantwell, Hine, Locke, Morris, Sprenkle, Vekich - 7.

Excused: Representatives Fisher G, Schoon - 2.

Senate Bill No. 5032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4653, by Representatives Sayan, Ballard, Anderson, Appelwick, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, Drugs put at risk our state's most precious resource, young people, who will remain at risk until they extinguish the allure that drugs hold for so many of them; and

WHEREAS, Youth Celebration Day is a two-day annual festival held at the Mason County Fairgrounds, by the young people of Mason County and for the young people of Mason County, that brings to life the message that they do not need drugs to enjoy themselves; and

WHEREAS, This year's festival dates are March 31 through April 1, 1989; and

WHEREAS, Youth Celebration Day is an event totally planned and directed by Mason County students in grades six through twelve, with minimal supervision by the county's adults; and

WHEREAS, The young people of Mason County have been so enthusiastic about Youth Celebration Day that actual student attendance has exceeded attendance expectations by up to four hundred percent since the first celebration in 1987, with every sixth through twelfth grade student in Mason County expected to attend in 1989; and

WHEREAS, Mason County business community organizations and groups are recognized for their vigorous support of Mason County Youth Celebration Day; and

WHEREAS, Youth Celebration Day happens because the young people of Mason County have overwhelmingly devoted their time and themselves to make it happen, and their enthusiastic support of Youth Celebration Day is a manifestation of their conviction to live life to its fullest without drugs;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor the young people of Mason County and their Youth Celebration Day, for on that day they demonstrate their support for a drug-free America and affirm their future with faith in themselves, their county, their state and their country.

Mr. Sayan moved adoption of the resolution. Representatives Sayan, Ballard and Basich spoke in favor of the resolution.

On motion of Mr. Ballard, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 89-4653 was adopted.

Representatives Brekke, Cantwell, Hine, Morris, Sprenkle and Vekich appeared at the bar of the House.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5033, by Committee on Law & Justice (originally sponsored by Senators Pullen, Niemi and Rasmussen)

Making technical corrections in the revised code of Washington.

The bill was read the second time.

Mr. Appelwick moved adoption of the following amendments:

On page 1, line 27, after "the" strike "Federal Reserve ((Bank of San Francisco)) Board" and insert "Board of Governors of the Federal Reserve ((Bank of San Francisco)) System"

On page 2, after line 24, strike all of section 4 through page 3, line 2.

Renumber the sections following consecutively, and correct internal references accordingly.

On page 3, line 9, after "the" strike "Federal Reserve ((Bank of San Francisco)) Board" and insert "Board of Governors of the Federal Reserve ((Bank of San Francisco)) System"

On page 3, line 31, after "the" strike "Federal Reserve ((Bank of San Francisco)) Board" and insert "Board of Governors of the Federal Reserve ((Bank of San Francisco)) System"

On page 4, line 8, after "the" strike "Federal Reserve ((Bank of San Francisco)) Board" and insert "Board of Governors of the Federal Reserve ((Bank of San Francisco)) System"

On page 5, line 4, after "the" strike "Federal Reserve ((Bank of San Francisco)) Board" and insert "Board of Governors of the Federal Reserve ((Bank of San Francisco)) System"

Mr. Appelwick spoke in favor of adoption of the amendments, and they were adopted.

On motion of Mr. Appelwick, the following amendment to the title was adopted:

In line 2 of the title, after "19.52.020," strike "29.13.048."

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5033 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betroitoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dary, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Locke - 1.

Excused: Representatives Fisher G, Schoon - 2.

Substitute Senate Bill No. 5033 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5034, by Committee on Law & Justice (originally sponsored by Senators Pullen, Niemi and Rasmussen)

Reconciling double amendments or repeals in the revised code of Washington.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

MOTION

Mr. Appelwick moved that the remarks of Representatives Appelwick and R. Meyers regarding Substitute House Bill No. 1005 be spread upon the Journal.

Representatives Appelwick and Padden spoke in favor of the motion, and it was carried.

REMARKS BY REPRESENTATIVES APPELWICK AND R. MEYERS

Mr. Appelwick yielded to question by Mr. R. Meyers.

Mr. R. Meyers: Representative Appelwick, are the provisions of Substitute House Bill No. 1005 retroactive to the date the double amendments were adopted?

Mr. Appelwick: Bills correcting double amendments are procedural in nature. Procedural issues are by statute retroactive in their application.

Mr. R. Meyers: Is the double amendment regarding privileged communications retroactive back to 1987 when both bills passed?

Mr. Appelwick: In the case of the double amendments in Substitute House Bill No. 1005 dealing with privileged communications, both statutory sections are considered adopted and are law as long as they do not contradict each other. Neither of these bills contradict each other, and the amendments on privileged communications therefore stand as separate acts from the date of their original effectiveness. They would not be retroactively superseded.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5034, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fisher G, Schoon - 2.

Substitute Senate Bill No. 5034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5042, by Senators West, Smitherman, Warnke, Smith and Lee

Providing for unilateral implementation of certain public sector collective bargaining agreements.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cole and Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5042, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fisher G, Schoon - 2.

Senate Bill No. 5042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5045, by Senators Pullen and Niemi; by request of Statute Law Committee

Correcting statutes affected by vetoes by the governor.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5045, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fisher G, Schoon - 2.

Engrossed Senate Bill No. 5045, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5079, by Senators Pullen and Talmadge

Discussing variable interest rates in relation to the uniform commercial code.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5079, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fisher G, Schoon - 2.

Senate Bill No. 5079, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5089, by Senators Newhouse, Talmadge and Pullen

Changing provisions relating to transferring cases between superior courts.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5089, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fisher G, Schoon - 2.

Senate Bill No. 5089, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5090, by Senators Nelson, Pullen, Talmadge and Benitz; by request of Sentencing Guidelines Commission

Establishing seriousness levels for unranked felonies.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 61st Day, March 10, 1989.)

Mr. Appelwick moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

On motion of Mr. Appelwick, the committee amendment to the title was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5090 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fisher G, Schoon - 2.

Engrossed Senate Bill No. 5090 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5234, by Committee on Law & Justice (originally sponsored by Senators Pullen, Talmadge, Madsen, Rasmussen, Sutherland and Gaspard; by request of Washington State Patrol)

Revising provisions for the criminal identification system.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 71st Day, March 20, 1989.)

Mr. Appelwick moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Appelwick, the committee amendment to the title was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Appelwick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5234 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fisher G. Schoon - 2.

Substitute Senate Bill No. 5234 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced the Speaker had signed:
SUBSTITUTE HOUSE BILL NO. 1339.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker (Mr. O'Brien presiding) called the House to order.

There being no objection, the House advanced to the eighth order of business.

MOTIONS

On motion of Mr. Heavey, Engrossed Substitute Senate Bill No. 5018 was referred from Committee on Rules to Committee on Judiciary.

On motion of Mr. Heavey, Senate Bill No. 5705 was referred from Committee on Appropriations to Committee on Rules.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 10:00 a.m., Friday, March 31, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Friday, March 31, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Belcher, Brekke, Hargrove, R. Meyers, Miller, H. Sommers and Wood. On motion of Ms. Cole, Representative R. Meyers was excused. On motion of Ms. Bowman, Representatives Miller and Wood were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Garrett Page and Troy Fuhrman. Prayer was offered by The Reverend Arla Elston, Minister of the First Christian Church of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

March 31, 1989

On this day in 1889, electric trolley cars began service in Seattle, replacing horse-drawn trolleys. And the brightest meteor seen in Washington since 1876 appeared around 9:15 p.m. in the southern sky, sweeping westward, leaving no trail. Its color was that of a zinc flame.

On March 31, 1966 a gray whale was in the Chehalis River near Grays Harbor. Because of its covering of barnacles, it became known as "Barney."

On March 31, 1971 the Atomic Energy Commission, under political pressure, agreed to operate the N-Reactor at Hanford for another three years, with the Washington Public Power Supply System paying the bill.

MESSAGES FROM THE SENATE

March 27, 1989

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5030,
SENATE BILL NO. 5031,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 29, 1989

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5352,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 29, 1989

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1339.

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

ESSB 5352 by Committee on Ways & Means (originally sponsored by Senators McDonald, Gaspard and Rasmussen; by request of Governor)

Making appropriation for the 1989-91 biennium.

Referred to Committee on Appropriations.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 29, 1989

SSB 5004 Prime Sponsor, Committee on Economic Development & Labor: Studying colocation efforts in Tokyo, Japan, of the departments of agriculture and trade and economic development. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; Kremen, Moyer, Rasmussen, Raiter, Rector, Tate, Walk and Youngsman.

Absent: Representatives G. Fisher, Kremen, Rasmussen and Schoon.

Passed to Committee on Rules for second reading.

March 29, 1989

2SSB 5011 Prime Sponsor, Committee on Ways & Means: Providing for allocation of assets of an institutionalized spouse. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 29, chapter 30, Laws of 1985 and RCW 11.94.050 are each amended to read as follows:

(1) Although a designated attorney in fact or agent has all powers of absolute ownership of the principal, or the document has language to indicate that the attorney in fact or agent shall have all the powers the principal would have if alive and competent, the attorney in fact or agent shall not have the power, unless specifically provided otherwise in the document: To make, amend, alter, or revoke any of the principal's wills, codicils, life insurance beneficiary designations, employee benefit plan beneficiary designations, trust agreements, community property agreements; to make any gifts of property owned by the principal; to make transfers of property to any trust (whether or not created by the principal) unless the trust benefits the principal alone and does not have dispositive provisions which are different from those which would have governed the property had it not been transferred into the trust, or to disclaim property.

(2) Nothing in subsection (1) of this section prohibits an attorney in fact or agent from making any transfer of resources not prohibited under ~~((RCW 74.09.532))~~ chapter 74.09 RCW when the transfer is for the purpose of qualifying the principal for medical assistance or the limited casualty program for the medically needy.

Sec. 2. Section 4, chapter 30, Laws of 1967 ex. sess. as last amended by section 2, chapter 5, Laws of 1985 and RCW 74.09.510 are each amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department of social and health services, ~~((including the prohibition under RCW 74.09.532 through 74.09.536 against the knowing and willful assignment of property or cash for the purpose of qualifying for such assistance.))~~ as defined in the social security Title XIX state plan for mandatory categorically needy persons and: (1) individuals who would be eligible for cash assistance except for their institutional status; (2) individuals who are under twenty-one years of age, who would be eligible for aid to families with dependent children, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) an intermediate care facility or an intermediate care facility for the mentally retarded, or (d) inpatient psychiatric facilities; (3) the aged, blind, and disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized; (4) individuals who would be eligible for but choose not to receive cash assistance; (5) pregnant women who would be eligible for aid to families with dependent children if the child had been born and was living with the mother during the month of the payment, and the pregnancy has been medically verified; (6) individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal

financial participation under Title XIX of the social security act; and (7) other individuals eligible for medical services under RCW 74.09.035 and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act.

Sec. 3. Section 22, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 4, chapter 5, Laws of 1985 and RCW 74.09.700 are each amended to read as follows:

(1) To the extent of available funds, medical care may be provided under the limited casualty program to persons not otherwise eligible for medical assistance or medical care services who are medically needy as defined in the social security Title XIX state plan and medical indigents in accordance with medical eligibility requirements established by the department. This includes residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally retarded who are aged, blind, or disabled as defined in Title XVI of the federal social security act and whose income exceeds three hundred percent of the federal supplement security income benefit level.

(2) Determination of the amount, scope, and duration of medical coverage under the limited casualty program shall be the responsibility of the department, subject to the following:

(a) Only inpatient hospital services; outpatient hospital and rural health clinic services; physicians' and clinic services; prescribed drugs, dentures, prosthetic devices, and eyeglasses; skilled nursing home services, intermediate care facility services, and intermediate care facility services for the mentally retarded; home health services; other laboratory and x-ray services; rehabilitative services; medically necessary transportation; and other services for which funds are specifically provided in the omnibus appropriations act shall be covered;

(b) Persons who are medically indigent and are not eligible for a federal aid program shall satisfy a deductible of not less than one hundred dollars nor more than five hundred dollars in any twelve-month period;

(c) Medical care services provided to the medically indigent and received no more than seven days prior to the date of application shall be retroactively certified and approved for payment on behalf of a person who was otherwise eligible at the time the medical services were furnished: PROVIDED, That eligible persons who fail to apply within the seven-day time period for medical reasons or other good cause may be retroactively certified and approved for payment.

(3) The department shall establish standards of assistance and resource and income exemptions. All nonexempt income and resources of limited casualty program recipients shall be applied against the cost of their medical care services. ~~(In addition, the department shall include a prohibition against the knowing and willful assignment of property or cash for the purpose of qualifying for assistance under RCW 74.09.532 through 74.09.536.)~~

NEW SECTION, Sec. 4. A new section is added to chapter 74.09 RCW to read as follows:

MEDICAL ASSISTANCE FOR INSTITUTIONALIZED PERSONS—TREATMENT OF INCOME BETWEEN SPOUSES. (1) An agreement between spouses transferring or assigning rights to future income from one spouse to the other shall be invalid for purposes of determining eligibility for medical assistance or the limited casualty program for the medically needy, but this subsection does not affect agreements between spouses transferring or assigning resources, and income produced by transferred or assigned resources shall continue to be recognized as the separate income of the transferee.

(2) In determining eligibility for medical assistance or the limited casualty program for the medically needy for a married person in need of institutional care, or care under home and community-based waivers as defined in Title XIX of the social security act, if the community income received in the name of the nonapplicant spouse exceeds the community income received in the name of the applicant spouse, the applicant's interest in that excess shall be considered unavailable to the applicant.

(3) The department shall adopt rules consistent with the provisions of section 1924 of the social security act entitled 'Treatment of Income and Resources for Certain Institutionalized Spouses,' in determining the allocation of income between an institutionalized and community spouse.

(4) The department shall establish the monthly maintenance needs allowance for the community spouse up to the maximum amount allowed by state appropriation or within available funds and permitted in section 1924 of the social security act. The total monthly needs allowance shall not exceed one thousand five hundred dollars, subject to adjustment provided in section 1924 of the social security act.

NEW SECTION, Sec. 5. A new section is added to chapter 74.09 RCW to read as follows:

MEDICAL ASSISTANCE FOR INSTITUTIONALIZED PERSONS—TREATMENT OF RESOURCES. (1) The department shall promulgate rules consistent with the treatment of resources provisions of section 1924 of the social security act entitled 'Treatment of Income and Resources for Certain Institutionalized Spouses,' in determining the allocation of resources between the institutionalized and community spouse.

(2) In the interest of supporting the community spouse the department shall allow the maximum resource allowance amount permissible under the social security act for the community spouse.

NEW SECTION, Sec. 6. A new section is added to chapter 74.09 RCW to read as follows:

The department shall, on December 15 of each even-numbered year, submit to the fiscal committees of the senate and the house of representatives a report covering the utilization and state and federal expenditures resulting from implementation of sections 4, 5, and 7 of this act. This report shall include the number of families affected by the provisions of these sections, the average amount of the income and resources transferred and the state and federal funds provided for the care of the institutionalized spouse.

NEW SECTION, Sec. 7. A new section is added to chapter 74.09 RCW to read as follows:

MEDICAL ASSISTANCE FOR INSTITUTIONALIZED PERSONS—PERIOD OF INELIGIBILITY FOR TRANSFER OF RESOURCES. (1) The department shall establish standards consistent with section 1917 of the social security act in determining the period of ineligibility for medical assistance due to the transfer of resources.

(2) The department may waive a period of ineligibility if the department determines that denial of eligibility would work an undue hardship.

NEW SECTION, Sec. 8. A new section is added to chapter 74.09 RCW to read as follows:

MEDICAL ASSISTANCE—DUE PROCESS PROCEDURES. The department shall in compliance with section 1924 of the social security act adopt procedures which provide due process for institutionalized or community spouses who request a fair hearing as to the valuation of resources, the amount of the community spouse resource allowance, or the monthly maintenance needs allowance.

NEW SECTION, Sec. 9. (1) Sections 7 and 8 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

(2) Sections 1 through 5 of this act shall take effect October 1, 1989.

NEW SECTION, Sec. 10. Section captions, as found in sections 4 through 8 of this act, constitute no part of the law.

NEW SECTION, Sec. 11. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 3, Laws of 1981 2nd ex. sess. and RCW 74.09.532;
- (2) Section 2, chapter 3, Laws of 1981 2nd ex. sess. and RCW 74.09.534;
- (3) Section 3, chapter 3, Laws of 1981 2nd ex. sess. and RCW 74.09.536; and
- (4) Section 4, chapter 3, Laws of 1981 2nd ex. sess., section 41, chapter 75, Laws of 1987 and RCW 74.09.538."

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 11.94.050, 74.09.510, and 74.09.700; adding new sections to chapter 74.09 RCW; creating a new section; repealing RCW 74.09.532, 74.09.534, 74.09.536, and 74.09.538; providing effective dates; and declaring an emergency."

Signed by Representatives Braddock, Chair; Brooks, Ranking Republican Member; Chandler, Morris, Prentice, D. Sommers, Sprengle and Wolfe.

Absent: Representatives Cantwell and Day.

Referred to Committee on Appropriations.

March 28, 1989

SB 5023 Prime Sponsor, Senator Benitz: Revising provisions for proposed tariff changes. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Jacobsen, Jesernig, May, Miller, H. Myers and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representative R. Meyers.

Absent: Representatives Gallagher, Jacobsen and S. Wilson.

Passed to Committee on Rules for second reading.

March 29, 1989

ESB 5040 Prime Sponsor, Senator Pullen: Changing the elements of the crime of introducing contraband in the first degree. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Locke, R. Meyers, Schmidt and Tate.

Referred to Committee on Appropriations.

March 28, 1989

SSB 5058 Prime Sponsor, Committee on Law & Justice: Creating a law enforcement officer pool. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:
On page 2, line 5, strike "or 41.26.430"
On page 2, line 8, strike "or 41.26.460"

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Inslee, P. King, R. Meyers, Moyer, H. Myers, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Hargrove, Locke and Patrick.

Referred to Committee on Appropriations.

March 30, 1989

SB 5064 Prime Sponsor, Senator Smith: Requiring licensing of salmon guides. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendment:
On page 2, line 6, after "are" insert "one hundred"

Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Cole, Smith, Spanel and Vekich.

Absent: Representatives Basich, Brooks and Haugen.

Passed to Committee on Rules for second reading.

March 29, 1989

2SSB 5065 Prime Sponsor, Committee on Ways & Means: Creating a citizen review board system for cases involving substitute care of children. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes the importance of permanency and continuity to children and of fairness to parents in the provision of child welfare services.

The legislature intends to create a citizen review board system that will function in an advisory capacity to the judiciary, the department, and the legislature. The purpose of the citizen review board system is to:

(1) Provide periodic review of cases involving substitute care of children in a manner that complies with case review requirements and time lines imposed by federal laws pertaining to child welfare services;

(2) Improve the quality of case review provided to children in substitute care and their families; and

(3) Provide a means for community involvement in monitoring cases of children in substitute care.

In order to accomplish the foregoing purposes, the citizen review board system shall not be subject to the procedures and standards usually applicable to judicial and administrative hearings, except as otherwise specifically provided in this chapter and RCW 13.34.130, 13.34.145, and 26.44.115. Nothing in this chapter and RCW 13.34.130, 13.34.145, and 26.44.115 shall limit the ability of the department to utilize court review hearings and administrative reviews to meet the periodic review requirements imposed by federal law.

NEW SECTION. Sec. 2. Periodic case review of all children in substitute care shall be provided in King, Pierce, Snohomish, Yakima, Spokane, Clark, and Kitsap counties, in accordance with this chapter.

Superior courts in other counties may elect to utilize a citizen review process in accordance with this chapter by sending written notice to the Washington state supreme court. Within forty-five days of receiving such notice, the supreme court shall notify the superior court of the policies and procedures necessary to establish the citizen review process in accordance with this chapter.

NEW SECTION. Sec. 3. Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Board' means the local citizen review board established pursuant to this chapter.

(2) 'Child' means a person less than eighteen years of age.

(3) 'Conflict of interest' means that a person appointed to a board has a personal or pecuniary interest in a case being reviewed by that board.

(4) 'Court' means the juvenile court.

(5) 'Custodian' means that person who has legal custody of the child.

(6) 'Department' means the department of social and health services.

(7) 'Mature child' means a child who is able to understand and participate in the decision-making process without excessive anxiety or fear. A child twelve years old or over shall be rebuttably presumed to be a mature child.

(8) 'Parent' or 'parents' means the biological or adoptive parents of a child unless the legal rights of that person have been terminated by judicial proceedings.

(9) 'Placement episode' means the period of time that begins with the date the child was removed from the home of the parent or legal custodian for the purposes of placement in substitute care and continues until the child returns home or an adoption decree or guardianship order is entered.

(10) 'Records' means any information in written form, pictures, photographs, charts, graphs, recordings, or documents pertaining to a case.

(11) 'Resides' or 'residence,' when used in reference to the residence of a child, means the place where the child is actually living and not the legal residence or domicile of the parent or guardian.

(12) 'Substitute care' means an out-of-home placement of a child for purposes related to the provision of child welfare services in accordance with chapter 74.13 RCW where the child is in the care, custody, and control of the department pursuant to a proceeding under chapter 13.34 RCW or pursuant to the written consent of the child's parent or parents or custodian.

NEW SECTION. Sec. 4. The supreme court is requested to:

(1) Establish and approve policies and procedures for the creation, recruitment, and operation of local citizen substitute care review boards;

(2) Approve and cause to have conducted training programs for board members;

(3) Provide consultation services on request to the boards;

(4) Establish reporting procedures to be followed by the boards to provide data for the evaluation of this chapter;

(5) Monitor the boards to ensure the impartiality of reviews and consistency of review standards throughout the state;

(6) Employ staff and provide for support services for the boards which shall be provided with staff through the local juvenile court in accordance with guidelines and procedures established by the supreme court;

(7) Direct the administrator for the courts to carry out duties prescribed by the supreme court relating to the administration of this chapter;

(8) Submit a report to the governor, the appropriate committees of the legislature, and the public on January 1, 1991, and biennially thereafter. The report shall address the following issues:

(a) State laws, policies, and practices affecting permanence and appropriate care for children in the custody of the department and other agencies;

(b) Whether the boards are effective in bringing about permanence and appropriate care for children in the custody of the department and other agencies; and

(c) Whether adequate resources are available to permit the department to make reasonable efforts to keep families together.

(9) Adopt rules regarding:

(a) Procedures for providing written notice of the review to the department, any other child placement agency directly responsible for supervising the placement of the child, the child's parents and their attorneys, the child's legal custodians and their attorneys, mature children and their attorneys, the court-appointed attorney and guardian ad litem of any child, any prosecuting attorney or attorney general actively involved in the case, and the child's Indian tribe if the child is an Indian as defined in the Indian child welfare act, 25 U.S.C. 1901, et seq. The notice shall include advice that persons receiving a notice may participate in the review and be accompanied by a representative;

(b) Procedures for removing members from the board for nonparticipation or other good cause.

NEW SECTION. Sec. 5. Each board shall be composed of five members appointed by the juvenile court. Three members shall constitute a quorum.

NEW SECTION. Sec. 6. Each board shall be appointed according to the following guidelines:

(1) Members of each board shall represent the various socioeconomic and ethnic groups of the area served.

(2) No person employed by a juvenile court or by the department for purposes related to the provision of child welfare services under chapter 74.13 RCW may serve on any board. No more than one person from any private agency or individual licensed by the department to provide child welfare services under chapter 74.13 RCW may serve on any board. A majority of the members on each board shall be persons who have no current professional or volunteer relationship with the department.

(3) No person who has had a child of his or her own, or one under his or her control, placed in substitute care within the last two years may serve on any board.

(4) All board members must be of good character and must demonstrate the understanding, ability, and judgment necessary to carry out the duties under this chapter.

(5) All board members shall serve a term of two years, except that if a vacancy occurs, a successor shall be appointed to serve the unexpired term. The terms of the initial members shall be staggered. Members may be reappointed for a maximum of one additional term. Additional terms are subject to the availability of sufficient volunteers.

(6) Each board shall elect annually from its membership a chair and vice-chair to serve in the absence of the chair.

(7) Board members shall be domiciled within the counties of the appointing courts.

NEW SECTION, Sec. 7. Prior to reviewing cases, all persons appointed to serve as board members shall participate in a training program established and approved by the supreme court. Board members shall participate in at least sixteen hours of training prior to reviewing cases and, thereafter, at least eight hours of training annually.

NEW SECTION, Sec. 8. (1) Before beginning to serve on a board, each member shall swear or affirm to the court that the member shall keep confidential the information reviewed by the board and its actions and recommendations in individual cases.

(2) A member of a board who violates the duty imposed by subsection (1) of this section is subject to dismissal from the board and other penalties as provided by law.

NEW SECTION, Sec. 9. Each board shall have access to the following information unless disclosure is otherwise specifically prohibited by law:

(1) Any records of the court which are pertinent to the case;

(2) Any records of the department pertaining to the child, the child's parents, or legal custodian; and

(3) Any records in the possession of an agency or other entity pertaining to the child, the child's parents, or legal custodian if such records are relevant to review of the case.

NEW SECTION, Sec. 10. The department and any other agency directly responsible for the care and placement of the child in substitute care shall require the employee who has primary case-planning responsibility for the case to attend the review. If the employee is unable to attend the review, an employee with knowledge of the case plan shall attend the review.

NEW SECTION, Sec. 11. (1) Whenever a member of a board has a potential conflict of interest in a case being reviewed, the member shall declare to the board the nature of the potential conflict prior to participating in the case review. The declaration of the member shall be recorded in the official records of the board and disclosed to all parties participating in the review. If, in the judgment of the majority of the local board, the potential conflict of interest may prevent the member from fairly and objectively reviewing the case, the board may remove the member from participation in the review.

(2) The board shall keep accurate records, including a verbatim record of board reviews, and retain these records.

(3) The board may hold joint or separate reviews for groups of siblings.

(4) The board may disclose information to participants in the board review of a case. Before participating in a board review, each participant shall swear or affirm to the board that the participant shall keep confidential the information disclosed by the board in the case review and to disclose it only as authorized by law.

(5) Members of the board shall be held immune from suit and not be held liable in any civil action for recommendations made under this chapter.

NEW SECTION, Sec. 12. (1) This section shall apply to cases where a child has been placed in substitute care pursuant to written parental consent and a dependency petition has not been filed under chapter 13.34 RCW. If a dependency petition is subsequently filed and the child's placement in substitute care continues pursuant to a court order entered in a proceeding under chapter 13.34 RCW, the provisions set forth in section 13 of this act shall apply.

(2) Within thirty days following commencement of the placement episode, the department shall send a copy of the written parental consent to the juvenile court with jurisdiction over the geographical area in which the child resides.

(3) Within forty-five days following commencement of the placement episode, the court shall assign the child's case to a board and forward to the board a copy of the written parental consent to placement.

(4) The board shall review the case plan for each child in substitute care whose case is assigned to the board by the court. The review shall take place at times set by the board. The first review shall occur within ninety days following commencement of the placement episode. The second review shall occur within six months following commencement of the placement episode. The next review shall occur within one year following commencement of the placement episode unless the child is no longer in substitute care or unless a guardianship order or adoption decree is entered.

(5) The board shall prepare written findings and recommendations with respect to:

(a) Whether reasonable efforts were made before the placement to prevent or eliminate the need for removal of the child from the home;

(b) Whether reasonable efforts have been made subsequent to the placement to make it possible for the child to be returned home;

(c) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(d) Whenever there is a continuing need for and whether the placement is appropriate;

(e) Whether there has been compliance with the case plan;

(f) Whether progress has been made toward alleviating the need for placement;

(g) A likely date by which the child may be returned home or other permanent plan of care may be implemented; and

(h) Other problems, solutions, or alternatives the board determines should be explored.

(6) Within ten working days following the review, the board shall send a copy of its findings and recommendations to the child's parents and their attorneys, the child's custodians and their attorneys, mature children and their attorneys, and the department and other child placement agencies directly responsible for supervising the child's placement. If the child is an Indian as defined in the Indian child welfare act, 25 U.S.C. 1901 et seq., a copy of the board's findings and recommendations shall also be sent to the child's Indian tribe.

(7) If the department is unable or unwilling to implement the board recommendations, the department shall submit to the board, within ten working days after receipt of the findings and recommendations, an implementation report setting forth the reasons why the department is unable or unwilling to implement the board's recommendations. The report will also set forth the case plan which the department intends to implement.

(8) The court shall not review the findings and recommendations of the board in cases where the child has been placed in substitute care with signed parental consent unless a dependency petition has been filed and the child has been taken into custody under RCW 13.34.050.

NEW SECTION. Sec. 13. (1) This section shall apply to cases where a child has been placed in substitute care pursuant to a proceeding under chapter 13.34 RCW.

(2) Within forty-five days following commencement of the placement episode, the court shall assign the child's case to a board and forward to the board a copy of the dependency petition and any shelter care or dependency disposition orders which have been entered in the case by the court.

(3) The board shall review the case plan for each child whose case is assigned to the board by the court. The review shall take place at times set by the board. The first review shall occur within ninety days following commencement of the placement episode. The second review shall occur within six months following commencement of the placement episode. The next review shall occur one year after commencement of the placement episode. Within eighteen months following commencement of the placement episode, a permanency planning hearing shall be held before the court in accordance with RCW 13.34.145. Thereafter, a board review or a court review hearing pursuant to RCW 13.34.130(4) shall take place at least once every six months until the child is no longer within the jurisdiction of the court or no longer in substitute care or until a guardianship order or adoption decree is entered. A court review hearing must occur at least once a year as provided in RCW 13.34.130. The board shall review any case where a petition to terminate parental rights has been denied, and such review shall occur as soon as practical but no later than forty-five days after the denial.

(4) The board shall prepare written findings and recommendations with respect to:

(a) Whether reasonable efforts were made before the placement to prevent or eliminate the need for removal of the child from the home, including whether consideration was given to removing the alleged offender, rather than the child, from the home;

(b) Whether reasonable efforts have been made subsequent to the placement to make it possible for the child to be returned home;

(c) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(d) Whether there is a continuing need for placement and whether the placement is appropriate;

(e) Whether there has been compliance with the case plan;

(f) Whether progress has been made toward alleviating the need for placement;

(g) A likely date by which the child may be returned home or other permanent plan of care may be implemented; and

(h) Other problems, solutions, or alternatives the board determines should be explored.

(5) Within ten working days following the review, the board shall send a copy of its findings and recommendations to the parents and their attorneys, the child's custodians and their attorneys, mature children and their attorneys, other attorneys or guardians ad litem appointed by the court to represent children, the department and other child placement agencies directly responsible for supervising the child's placement, and any prosecuting attorney or attorney general actively involved in the case. If the child is an Indian as defined in the Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., a copy of the board's findings and recommendations shall also be sent to the child's Indian tribe.

(6) If the department is unable or unwilling to implement the board recommendations, the department shall submit to the board, within ten working days after receipt of the findings and recommendations, an implementation report setting forth the reasons why the department is unable or unwilling to implement the board's recommendations. The report will also set forth the case plan which the department intends to implement.

(7) Within forty-five days following the review, the board shall either:

(a) Schedule the case for further review by the board;

(b) File with the court a motion for a review hearing;

(c) Submit to the court the board's findings and recommendations, the department's implementation reports, if any, and a proposed amended court order agreed to by the parties to the action, if any.

(8) Upon receipt of the board's written findings and recommendations, the department's implementation report, if any, and the proposed amended court order, if any, the court shall either:

(a) Approve the recommendations; or

(b) Upon its own motion, schedule a review hearing.

(9) The findings and recommendations of the board and the department's implementation report, if any, shall become part of the department's case file and the court file pertaining to the child.

(10) Nothing in this section shall limit or otherwise modify the rights of any party to a dependency proceeding to request and receive a court review hearing pursuant to the provisions of chapter 13.34 RCW or applicable court rules.

NEW SECTION. Sec. 14. In addition to reviewing individual cases of children in substitute care, boards may make recommendations to the court and the department concerning substitute care services, policies, procedures, and laws.

NEW SECTION. Sec. 15. The administrator for the courts may apply for and receive funds from federal, local, and private sources for carrying out the purposes of this chapter.

Sec. 16. Section 3, chapter 259, Laws of 1957 as last amended by section 23, chapter 109, Laws of 1988 and by section 2, chapter 234, Laws of 1988 and RCW 2.56.030 are each reenacted and amended to read as follows:

The administrator for the courts shall, under the supervision and direction of chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Formulate and submit to the judicial council of this state recommendations of policies for the improvement of the judicial system;

(10) Submit annually, as of February 1st, to the chief justice and the judicial council, a report of the activities of the administrator's office for the preceding calendar year;

(11) Administer programs and standards for the training and education of judicial personnel;

(12) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration and the judicial council, both of which shall make recommendations to the legislature by January 1, 1989. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective;

(13) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(14) Attend to such other matters as may be assigned by the supreme court of this state; ((and))

(15) Develop a curriculum for a general understanding of child development and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A and 13.34 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers by July 1, 1988; and

(16) Coordinate and assist in the administration of the local citizen care review board program under chapter 13.-- RCW (sections 1 through 15 of this act).

Sec. 17. Section 4, chapter 188, Laws of 1984 as amended by section 2, chapter 189, Laws of 1988, section 2, chapter 190, Laws of 1988, and by section 1, chapter 194, Laws of 1988 and RCW 13.34.130 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030(2); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home and that:

(i) There is no parent or guardian available to care for such child;

(ii) The child is unwilling to reside in the custody of the child's parent, guardian, or legal custodian;

(iii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iv) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(v) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(a) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(b) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(c) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(d) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(3) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results

of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(4) Except for cases which are subject to the provisions of section 13 of this act regarding citizen review, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

For cases which are subject to the provisions of section 13 of this act, a court review hearing shall occur no later than eighteen months following commencement of the child's placement episode. Thereafter, court review hearings shall occur at least once every year until the child is no longer within the jurisdiction of the court or the child returns home or a guardianship order or adoption decree is entered. The court may review the case more frequently upon the court's own motion or upon the request of any party to the proceeding or the citizen review board assigned to the child's case.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion;

(ii) ~~((The extent to which))~~ Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

~~((iii))~~ Whether the agency is satisfied with the cooperation given to it by the parents;

~~((iv))~~ (vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered; and

~~((v))~~ ~~When return of the child can be expected~~ (viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 18. Section 3, chapter 194, Laws of 1988 and RCW 13.34.145 are each amended to read as follows:

~~((A dependency may only be maintained for a maximum period of two years, at which time the court shall:))~~

(1) In all cases where a child has been placed in substitute care for at least fifteen months, a permanency planning hearing shall be held before the court no later than eighteen months following commencement of the placement episode.

(2) At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130(4). In addition the court shall: (a) Approve a permanent plan of care which can include one of the following: Adoption, guardianship, or placement of the child in the home of the child's parent; ((f2)) (b) require filing of a petition for termination of parental rights; or ((f3)) (c) dismiss the dependency, unless the court finds, based on clear, cogent, and convincing evidence, that it is in the best interest of the child to continue the dependency beyond two years, based on a permanent plan of care. Extensions may only be granted in increments of ((six)) twelve months or less ((unless a juvenile court guardianship is in effect)).

Sec. 19. Section 4, chapter 183, Laws of 1985 and RCW 26.44.115 are each amended to read as follows:

If a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050, the child protective services worker shall take reasonable steps to advise

the parents immediately, regardless of the time of day, that the child has been taken into custody, the reasons why the child was taken into custody, and general information about the child's placement. Notice of the citizen review board process under chapter 13.— RCW (sections 1 through 15 of this act) and the parents' rights under that process shall be provided to the parents within seventy-two hours after the child is removed from the home. Notice may be given by any means reasonably certain of notifying the parents, including but not limited to, written, telephonic, or in-person oral notification. If the initial notification is provided by a means other than writing, the information shall also be provided to the parent in writing as soon thereafter as possible.

NEW SECTION. Sec. 20. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 21. Sections 1 through 15 of this act shall constitute a new chapter in Title 13 RCW.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 23. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989. However, until July 1, 1990, procedures established for review of cases not subject to citizen review may be used in those counties subject to citizen review under this act.

On page 1, line 1 of the title, after "children," strike the remainder of the title and insert "amending RCW 13.34.145 and 26.44.115; reenacting and amending RCW 2.56.030 and 13.34.130; adding a new chapter to Title 13 RCW; creating a new section; providing an effective date; and declaring an emergency."

Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Hargrove, Leonard, Padden, Raiter and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative Brekke.

Absent: Representative Scott, Vice Chair.

Referred to Committee on Appropriations.

March 28, 1989

SSB 5106 Prime Sponsor, Committee on Economic Development & Labor: Developing a model shared foreign sales corporation. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 7, after "The" strike "business assistance center of the"

Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; G. Fisher; Kremen, Moyer, Rasmussen, Raiter, Rector, Schoon, Tate, Walk and Youngsman.

Absent: Representatives Doty, Ranking Republican Member; and Kremen.

Referred to Committee on Appropriations.

March 30, 1989

SSB 5127 Prime Sponsor, Committee on Governmental Operations: Eliminating boundary review boards. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments.

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 10, chapter 234, Laws of 1986 and RCW 35.02.078 are each amended to read as follows:

An election shall be held in the area proposed to be incorporated to determine whether the proposed city or town shall be incorporated (~~if the boundary review board approves or modifies and approves the proposal, or~~) if the county legislative authority does not disapprove the proposal as provided in RCW 35.02.070. Voters at this election shall determine if the area is to be incorporated.

The initial election on the question of incorporation shall be held at the next special election date specified in RCW 29.13.020 that occurs sixty or more days after the final public hearing by the county legislative authority or authorities, or (~~the approval or modification and approval~~) by the boundary review board or boards. The county legislative authority or authorities shall call for this election and, if the incorporation is approved, shall call for other

elections to elect the elected officials as provided in this section. If the vote in favor of the incorporation receives forty percent or less of the total vote on the question of incorporation, no new election on the question of incorporation for the area or any portion of the area proposed to be incorporated may be held for a period of three years from the date of the election in which the incorporation failed.

If the incorporation is authorized as provided by RCW 35.02.120, separate elections shall be held to nominate and elect persons to fill the various elective offices prescribed by law for the population and type of city or town, and to which it will belong. The primary election to nominate candidates for these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs sixty or more days after the election on the question of incorporation. The election to fill these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs thirty or more days after certification of the results of the primary election.

Sec. 2. Section 15, chapter 189, Laws of 1967 as last amended by section 7, chapter 477, Laws of 1987 and RCW 36.93.150 are each amended to read as follows:

The board, upon review of any proposed action, shall take such of the following actions as it deems necessary to best carry out the intent of this chapter:

(1) Approval of the proposal as submitted;

(2) Subject to RCW 35.02.170, modification of the proposal by adjusting boundaries to add or delete territory: PROVIDED, That any proposal for annexation by the board shall be subject to RCW 35.21.010 and shall not add additional territory, the amount of which is greater than that included in the original proposal: PROVIDED FURTHER, That such modifications shall not interfere with the authority of a city, town, or special purpose district to require or not require preannexation agreements, covenants, or petitions: AND PROVIDED FURTHER, That a board shall not modify a proposed incorporation of a city by removing territory from the proposal, or adding territory to the proposal, that constitutes ten percent or more of the total area included within the proposal before the board;

(3) Determination of a division of assets and liabilities between two or more governmental units where relevant;

(4) Determination whether, or the extent to which, functions of a special purpose district are to be assumed by an incorporated city or town, metropolitan municipal corporation, or another existing special purpose district; or

(5) Disapproval of the proposal except that the board shall not have jurisdiction: (a) To disapprove the dissolution or disincorporation of a special purpose district which is not providing services but shall have jurisdiction over the determination of a division of the assets and liabilities of a dissolved or disincorporated special purpose district (PROVIDED That a board shall not have jurisdiction); (b) over the division of assets and liabilities of a special purpose district that is dissolved or disincorporated pursuant to chapter 36.96 RCW; nor (c) disapprove the incorporation of a city or disincorporation of a city or town.

Unless the board shall disapprove a proposal, it shall be presented under the appropriate statute for approval of a public body and, if required, a vote of the people. A proposal that has been modified shall be presented under the appropriate statute for approval of a public body and if required, a vote of the people. If a proposal, other than that for a city, town, or special purpose district annexation, after modification does not contain enough signatures of persons within the modified area, as are required by law, then the initiating party, parties or governmental unit has thirty days after the modification decision to secure enough signatures to satisfy the legal requirement. If the signatures cannot be secured then the proposal may be submitted to a vote of the people, as required by law.

The addition or deletion of property by the board shall not invalidate a petition which had previously satisfied the sufficiency of signature provisions of RCW 35.13.130 or 35A.14.120. When the board, after due proceedings held, disapproves a proposed action other than an incorporation or disincorporation of a city or town, such proposed action shall be unavailable, the proposing agency shall be without power to initiate the same or substantially the same as determined by the board, and any succeeding acts intended to or tending to effectuate that action shall be void, but such action may be reintiated after a period of twelve months from date of disapproval and shall again be subject to the same consideration.

The board shall not modify or deny a proposed action unless there is evidence on the record to support a conclusion that the action is inconsistent with one or more of the objectives under RCW 36.93.180. Every such determination to modify or deny a proposed action shall be made in writing pursuant to a motion, and shall be supported by appropriate written findings and conclusions, based on the record. A document describing an action, finding, or conclusion made by a boundary review board may be signed by the chairman or vice-chairman at or out of a public meeting.

Sec. 3. Section 10, chapter 189, Laws of 1967 as last amended by section 3, chapter 477, Laws of 1987 and RCW 36.93.100 are each amended to read as follows:

The board shall review and approve, disapprove, or modify any of the actions set forth in RCW 36.93.090 when any of the following shall occur within forty-five days of the filing of a notice of intention:

(1) Three members of a five-member boundary review board or five members of a boundary review board in a class AA county files a request for review: PROVIDED, That the members of the boundary review board shall not be authorized to file a request for review of the following actions:

(a) The incorporation or change in the boundary of any city, town, or special purpose district;

(b) The extension of permanent water service outside of its existing corporate boundaries by a city, town, or special purpose district where such extension is through the installation of water mains of six inches or less in diameter; or

(c) The extension of permanent sewer service outside of its existing corporate boundaries by a city, town, or special purpose district where such extension is through the installation of sewer mains of eight inches or less in diameter;

(2) Any governmental unit affected, including the governmental unit for which the boundary change or extension of permanent water or sewer service is proposed, or the county within which the area of the proposed action is located, files a request for review of the specific action;

(3) A petition requesting review is filed and is signed by:

(a) Five percent of the registered voters residing within the area which is being considered for the proposed action (as determined by the boundary review board in its discretion subject to immediate review by writ of certiorari to the superior court); or

(b) An owner or owners of property consisting of five percent of the assessed valuation within such area;

(4) The majority of the members of boundary review boards concur with a request for review when a petition requesting the review is filed by five percent of the registered voters who deem themselves affected by the action and reside within one-quarter mile of the proposed action but not within the jurisdiction proposing the action.

If a period of forty-five days shall elapse without the board's jurisdiction having been invoked as set forth in this section, the proposed action shall be deemed approved.

If a review of a proposal is requested, the board shall make a finding as prescribed in RCW 36.93.150 within one hundred twenty days after the filing of such a request for review. If this period of one hundred twenty days shall elapse without the board making a finding as prescribed in RCW 36.93.150, the proposal shall be deemed approved unless the board and the person who submitted the proposal agree to an extension of the one hundred twenty day period.

Sec. 4. Section 5, chapter 147, Laws of 1984 and RCW 36.93.105 are each amended to read as follows:

The following actions shall not be subject to potential review by a boundary review board:

(1) Annexations of territory to a water or sewer district pursuant to RCW 36.94.410 through 36.94.440 (~~shall not be reviewed by a boundary review board~~);

(2) Revisions of city or town boundaries pursuant to RCW 35.21.790 or 35A.21.210;

(3) Adjustments to city or town boundaries pursuant to section 24 of this act; and

(4) Adjustments to city and town boundaries pursuant to sections 12 through 15 of this act.

Sec. 5. Section 17, chapter 189, Laws of 1967 as last amended by section 33, chapter 234, Laws of 1986 and RCW 36.93.170 are each amended to read as follows:

In reaching a decision on a proposal or an alternative, the board shall consider the factors affecting such proposal, which shall include, but not be limited to the following:

(1) Population and territory; population density; land area and land uses; comprehensive ~~(use)~~ plans and zoning, as adopted under chapter 35.63, 35A.63, or 36.70 RCW; per capita assessed valuation; topography, natural boundaries and drainage basins, proximity to other populated areas; the existence and preservation of prime agricultural soils and productive agricultural uses; the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years; location and most desirable future location of community facilities;

(2) Municipal services; need for municipal services; effect of ordinances, governmental codes, regulations and resolutions on existing uses; present cost and adequacy of governmental services and controls in area; prospects of governmental services from other sources; probable future needs for such services and controls; probable effect of proposal or alternative on cost and adequacy of services and controls in area and adjacent area; the effect on the finances, debt structure, and contractual obligations and rights of all affected governmental units; and

(3) The effect of the proposal or alternative on adjacent areas, on mutual economic and social interests, and on the local governmental structure of the county.

The provisions of chapter 43.21C RCW, State Environmental Policy, shall not apply to incorporation proceedings covered by chapter 35.02 RCW.

Sec. 6. Section 18, chapter 189, Laws of 1967 as last amended by section 10, chapter 332, Laws of 1981 and RCW 36.93.180 are each amended to read as follows:

The decisions of the boundary review board shall attempt to achieve the following objectives:

- (1) Preservation of natural neighborhoods and communities;
- (2) Use of physical boundaries, including but not limited to bodies of water, highways, and land contours;
- (3) Creation and preservation of logical service areas;
- (4) Prevention of abnormally irregular boundaries;
- (5) Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas;
- (6) Dissolution of inactive special purpose districts;
- (7) Adjustment of impractical boundaries;
- (8) Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character; and
- (9) Protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority.

~~((10) Provide reasonable assurance that the extension of municipal services and the additional payments to be made by the property owners of the area to be annexed in the form of taxes will remain reasonably equal to the value of the additional municipal services to be received during a period of ten years following the effective date of the proposed annexation. This objective shall apply only to cities with a population of 400,000 or more which initiates a resolution for annexation proceedings)).~~

Sec. 7. Section 2, chapter 220, Laws of 1975 1st ex. sess. as amended by section 25, chapter 234, Laws of 1986 and RCW 35.02.170 are each amended to read as follows:

~~((Centerlines of public streets, roads or highways shall not be used to define any part of a boundary of a city or town in an incorporation or annexation proceeding.))~~ The right of way line of any public street, road or highway, or any segment thereof, may be used to define a part of a corporate boundary in an incorporation ~~((or annexation))~~ proceeding. The boundaries of a newly incorporated city or town shall not include a portion of the right of way of any public street, road or highway except where the boundary runs from one edge of the right of way to the other edge of the right of way.

NEW SECTION. Sec. 8. A new section is added to chapter 35.13 RCW to read as follows:

The boundaries of a city or town arising from an annexation of territory shall not include a portion of the right of way of any public street, road, or highway except where the boundary runs from one edge of the right of way to the other edge of the right of way. However, the right of way line of any public street, road, or highway, or any segment thereof, may be used to define a part of a corporate boundary in an annexation proceeding.

NEW SECTION. Sec. 9. A new section is added to chapter 35A.14 RCW to read as follows:

The boundaries of a code city arising from an annexation of territory shall not include a portion of the right of way of any public street, road, or highway except where the boundary runs from one edge of the right of way to the other edge of the right of way. However, the right of way line of any public street, road, or highway, or any segment thereof, may be used to define a part of a corporate boundary in an annexation proceeding.

Sec. 10. Section 17, chapter 220, Laws of 1975 1st ex. sess. and RCW 35.21.790 are each amended to read as follows:

(1) The governing bodies of a county and any city or town located therein may by agreement revise any part of the corporate boundary of the city or town which coincides with the centerline, edge, or any portion of a public street, road or highway right of way by substituting therefor a right of way line of the same public street, road or highway so as fully to include or fully to exclude that segment of the public street, road or highway from the corporate limits of the city or town.

(2) The revision of a corporate boundary as authorized by this section shall become effective when approved by ordinance of the city or town council or commission and by ordinance or resolution of the ~~((board of))~~ county ~~((commissioners or county council))~~ legislative authority. Such a boundary revision is not subject to potential review by a boundary review board.

Sec. 11. Section 18, chapter 220, Laws of 1975 1st ex. sess. and RCW 35A.21.210 are each amended to read as follows:

(1) The governing bodies of a county and any code city ~~((or town))~~ located therein may by agreement revise any part of the corporate boundary of the city ~~((or town))~~ which coincides with the centerline, edge, or any portion of a public street, road or highway right of way by substituting therefor a right of way line of the same public street, road or highway so as fully to include or fully to exclude that segment of the public street, road or highway from the corporate limits of the city ~~((or town))~~.

(2) The revision of a corporate boundary as authorized by this section shall become effective when approved by ordinance of the city ~~((or town))~~ council ~~((or commission))~~ and by ordinance or resolution of the ~~((board of county commissioners or))~~ county ~~((council))~~ legislative authority. Such a boundary revision is not subject to potential review by a boundary review board.

NEW SECTION. Sec. 12. A new section is added to chapter 35.13 RCW to read as follows:

The purpose of sections 12 through 15 of this act is to establish a process for the adjustment of existing or proposed city boundary lines to avoid a situation where a common boundary line is or would be located within a right of way of a public street, road, or highway, or a situation where two cities are separated or would be separated by only the right of way of a public street, road, or highway, other than situations where a boundary line runs from one edge of the right of way to the other edge of the right of way.

As used in sections 12 through 15 of this act, 'city' includes every city or town in the state, including a code city operating under Title 35A RCW.

NEW SECTION. Sec. 13. A new section is added to chapter 35.13 RCW to read as follows:

(1) This section provides a method to adjust the boundary lines between two cities where the two cities share a common boundary within a right of way of a public street, road, or highway, or the two cities have a portion of their boundaries separated only by all or part of the right of way of a public street, road, or highway. However, this section does not apply to situations where a boundary line runs from one edge of the right of way to the other edge of the right of way.

(2) The councils of any two cities in a situation described in subsection (1) of this section may enter into an agreement to alter those portions of their boundaries that are necessary to eliminate this situation and create a partial common boundary on either edge of the right of way of the public street, road, or highway. An agreement made under this section shall include only boundary line adjustments between the two cities that are necessary to eliminate the situation described in subsection (1) of this section.

A boundary line adjustment under this section is not subject to potential review by a boundary review board.

NEW SECTION. Sec. 14. A new section is added to chapter 35.13 RCW to read as follows:

The councils of any two cities that will be in a situation described in section 13(1) of this act as the result of a proposed annexation by one of the cities may enter into an agreement to adjust those portions of the annexation proposal and the boundaries of the city that is not proposing the annexation. Such an agreement shall not be effective unless the annexation is made.

The annexation proposal shall proceed if such an agreement were not made, but any resulting boundaries between the two cities that meet the descriptions of section 13(1) of this act shall be adjusted by agreement between the two cities within one hundred eighty days of the effective date of the annexation, or the county legislative authority of the county within which the right of way is located shall adjust the boundaries within a sixty-day period immediately following the one hundred eightieth day.

An agreement or adjustment made by a county under this section shall include only boundary line adjustments between the two cities that are necessary to eliminate the situation described in section 13(1) of this act.

A boundary line adjustment under this section is not subject to potential review by a boundary review board.

NEW SECTION. Sec. 15. A new section is added to chapter 35.13 RCW to read as follows:

(1) The purpose of this section is to avoid situations arising where the boundaries of an existing city and a newly incorporated city would create a situation described in section 13(1) of this act.

(2) A boundary review board that reviews the boundaries of a proposed incorporation may enter into an agreement with the council of a city, that would be in a situation described in subsection (1) of this section as the result of a proposed incorporation of a city, to adjust the boundary line of the city and those of the city proposed to be incorporated to avoid this situation described in subsection (1) of this section if the incorporation were to be approved by the voters. Such an agreement shall not be effective unless the incorporation occurs.

The incorporation proposal shall proceed if such an agreement were not made, but any resulting boundaries between the two cities that meet create a situation described in section 13(1) of this act shall be adjusted by agreement between the two cities within one hundred eighty days of the official date of the incorporation, or the county legislative authority of the county within which the right of way is located shall adjust the boundaries within a sixty-day period immediately following the one hundred eightieth day.

An agreement or adjustment made by a county under this section shall include only boundary line adjustments between the two cities that are necessary to eliminate the situation described in section 13(1) of this act.

A boundary line adjustment under this section is not subject to potential review by a boundary review board.

NEW SECTION. Sec. 16. A new section is added to chapter 36.93 RCW to read as follows:

Boundary review board approval, or modification and approval, of a proposed annexation by a city, town, or special purpose district shall authorize annexation as approved and shall not authorize any other annexation action.

NEW SECTION. Sec. 17. A new section is added to chapter 36.93 RCW to read as follows:

The boundary review board in class AA counties shall consist of eleven members chosen as follows:

- (1) Three persons shall be appointed by the governor;
- (2) Three persons shall be appointed by the county appointing authority;
- (3) Three persons shall be appointed by the mayors of the cities and towns located within the county; and
- (4) Two persons shall be appointed by the board from nominees of special districts in the county.

The governor shall designate one initial appointee to serve a term of two years, and two initial appointees to serve terms of four years, if the appointments are made in an odd-numbered year, or one initial appointee to serve a term of one year, and two initial appointees to serve terms of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The county appointing authority shall designate one of its initial appointees to serve a term of two years, and two of its initial appointees to serve terms of four years, if the appointments are made in an odd-numbered year, or one of its initial appointees to serve a term of one year, and two of its initial appointees to serve terms of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The mayors making the initial city and town appointments shall designate two of their initial appointees to serve terms of two years, and one of their initial appointees to serve a term of four years, if the appointments are made in an odd-numbered year, or two of their initial appointees to serve terms of one year, and one of their initial appointees to serve a term of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The board shall make two initial appointments from the nominees of special districts, with one appointee serving a term of four years and one initial appointee serving a term of two years, if the appointments are made in an odd-numbered year, or one initial appointee serving a term of three years and one initial appointee serving a term of one year if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of March in the year in which the appointment is made.

After the initial appointments, all appointees shall serve four-year terms.

No appointee may be an official or employee of the county or a governmental unit in the county, or a consultant or advisor on a contractual or regular retained basis of the county, any governmental unit in the county, or any agency or association thereof.

NEW SECTION, Sec. 18. A new section is added to chapter 36.93 RCW to read as follows:

The boundary review board in all counties other than class AA counties shall consist of five members chosen as follows:

- (1) Two persons shall be appointed by the governor;
- (2) One person shall be appointed by the county appointing authority;
- (3) One person shall be appointed by the mayors of the cities and towns located within the county; and
- (4) One person shall be appointed by the board from nominees of special districts in the county.

The governor shall designate one initial appointee to serve a term of two years, and one initial appointee to serve a term of four years, if the appointments are made in an odd-numbered year, or one initial appointee to serve a term of one year, and one initial appointee to serve a term of three years, if the appointments are made in an even-numbered year, with the length of a term being calculated from the first day of February in the year that the appointment was made.

The initial appointee of the county appointing authority shall serve a term of two years, if the appointment is made in an odd-numbered year, or a term of one year, if the appointment is made in an even-numbered year. The initial appointee by the mayors shall serve a term of four years, if the appointment is made in an odd-numbered year, or a term of three years, if the appointment is made in an even-numbered year. The length of the term shall be calculated from the first day in February in the year the appointment was made.

The board shall make one initial appointment from the nominees of special districts to serve a term of two years if the appointment is made in an odd-numbered year, or a term of one year if the appointment is made in an even-numbered year, with the length of the term being calculated from the first day of March in the year in which the appointment is made.

After the initial appointments, all appointees shall serve four-year terms.

No appointee may be an official or employee of the county or a governmental unit in the county, or a consultant or advisor on a contractual or regular retained basis of the county, any governmental unit in the county, or any agency or association thereof.

NEW SECTION, Sec. 19. A new section is added to chapter 36.93 RCW to read as follows:

The executive of the county shall make the appointments under sections 17 and 18 of this act for the county, if one exists, or otherwise the county legislative authority shall make the appointments for the county.

The mayors of all cities and towns in the county shall meet on or before the last day of January in each odd-numbered year to make such appointments for terms to commence on the first day of February in that year. The date of the meeting shall be called by the mayor of the largest city or town in the county, and the mayor of the largest city or town in the county who attends the meeting shall preside over the meeting. Selection of each appointee shall be by simple majority vote of those mayors who attend the meeting.

Any special district in the county may nominate a person to be appointed to the board on or before the last day of January in each odd-numbered year that the term for this position expires. The board shall make its appointment of a nominee or nominees from the special districts during the month of February following the date by which such nominations are required to be made.

The county appointing authority and the mayors of cities and towns within the county shall make their initial appointments for newly created boards within sixty days of the creation of the board or shall make sufficient additional appointments to increase a five-member board to an eleven-member board within sixty days of the date the county becomes a class AA county. The board shall make its initial appointment or appointments of board members from the nominees of special districts located within the county within ninety days of the creation of the board or shall make an additional appointment of a board member from the nominees of special districts located within the county within ninety days of the date the county becomes a class AA county.

The term of office for all appointees other than the appointee from the special districts shall commence on the first day of February in the year in which the term is to commence. The term of office for the appointee from nominees of special districts shall commence on the first day of March in the year in which the term is to commence.

Vacancies on the board shall be filled by appointment of a person to serve the remainder of the term in the same manner that the person whose position is vacant was filled.

NEW SECTION. Sec. 20. A new section is added to chapter 36.93 RCW to read as follows:

Each boundary review board that is in existence as of the effective date of this section shall designate the terms of office of its members to conform with the staggering of terms as established under sections 17 and 18 of this act by September 1, 1989. The members who were appointed independently by the governor shall remain as gubernatorial appointees. The member or members who were appointed by the governor from nominees of the county legislative authority shall be considered to be appointees of the county. The member or members who were appointed by the governor from nominees of the mayors shall be considered to be appointees of the mayors. The member or members who were appointed by the governor from nominees of the special districts shall be considered to be appointees by the board from nominees of the special districts.

No board member may serve on a board more than eight consecutive years. However, any board member serving on the effective date of this section who has served or will serve in excess of this limitation as his or her term of office is adjusted under this section may remain in office for the remainder of his or her term.

NEW SECTION. Sec. 21. A new section is added to chapter 36.93 RCW to read as follows:

Whenever appointments under sections 17 through 20 of this act have not been made by the appointing authority, the size of the board shall be considered to be reduced by one member for each position that remains vacant or unappointed.

NEW SECTION. Sec. 22. A new section is added to chapter 35.13 RCW to read as follows:

A city or town may cause a proposition authorizing an area to be annexed to the city or town to be submitted to the qualified voters of the area proposed to be annexed in the same ballot proposition as the question to authorize an assumption of indebtedness. If the measures are combined, the annexation and the assumption of indebtedness shall be authorized only if the proposition is approved by at least three-fifths of the voters of the area proposed to be annexed voting on the proposition, and the number of persons voting on the proposition constitutes not less than forty percent of the total number of votes cast in the area at the last preceding general election.

However, the city or town council may adopt a resolution accepting the annexation, without the assumption of indebtedness, where the combined ballot proposition is approved by a simple majority vote of the voters voting on the proposition.

NEW SECTION. Sec. 23. A new section is added to chapter 35A.14 RCW to read as follows:

A code city may cause a proposition authorizing an area to be annexed to the city to be submitted to the qualified voters of the area proposed to be annexed in the same ballot proposition as the question to authorize an assumption of indebtedness. If the measures are combined, the annexation and the assumption of indebtedness shall be authorized only if the proposition is approved by at least three-fifths of the voters of the area proposed to be annexed voting on the proposition, and the number of persons voting on the proposition constitutes not less than forty percent of the total number of votes cast in the area at the last preceding general election.

However, the code city council may adopt a resolution accepting the annexation, without the assumption of indebtedness, where the combined ballot proposition is approved by a simple majority vote of the voters voting on the proposition.

NEW SECTION. Sec. 24. A new section is added to chapter 35.13 RCW to read as follows:

The boundaries of a city shall be adjusted to include or exclude the remaining portion of a parcel of land located partially within and partially without of the boundaries of that city upon the governing body of the city adopting a resolution approving such an adjustment that was requested in a petition signed by the owner of the parcel. A boundary adjustment made pursuant to this section shall not be subject to potential review by the boundary review board of the county within which the parcel is located if the remaining portion of the parcel to be included or excluded from the city is located in the unincorporated area of the county and the adjustment is approved by resolution of the county legislative authority or in writing by a county official or employee of the county who is designated by ordinance of the county to make such approvals.

Where part of a single parcel of land is located within the boundaries of one city, and the remainder of the parcel is located within the boundaries of a second city that is located immediately adjacent to the first city, the boundaries of the two cities may be adjusted so that all of the parcel is located within either of the cities, if the adjustment was requested in a petition signed by the property owner and is approved by both cities. Approval by a city may be through either resolution of its city council, or in writing by an official or employee of the city who has been designated by ordinance of the city to make such approvals. Such an adjustment is not subject to potential review by the boundary review board of the county in which the parcel is located.

Whenever a portion of a public right of way is located on such a parcel, the boundary adjustment shall be made in such a manner as to include all or none of that portion of the public right of way within the boundaries of the city.

As used in this section, 'city' shall include any city or town, including a code city.

NEW SECTION. Sec. 25. A new section is added to chapter 35.02 RCW to read as follows:

Actions taken under chapter 35.02 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 26. A new section is added to chapter 35.07 RCW to read as follows:

Actions taken under chapter 35.07 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 27. A new section is added to chapter 35.10 RCW to read as follows:

Actions taken under chapter 35.10 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 28. A new section is added to chapter 35.13 RCW to read as follows:

Actions taken under chapter 35.13 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 29. A new section is added to chapter 35.16 RCW to read as follows:

Actions taken under chapter 35.16 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 30. A new section is added to chapter 35.43 RCW to read as follows:

The creation of a local improvement district outside of the boundaries of a city or town to provide water or sewer facilities may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 31. A new section is added to chapter 35.61 RCW to read as follows:

The creation of a metropolitan park district, and an annexation by, or dissolution or disincorporation of, a metropolitan park district may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 32. A new section is added to chapter 35.67 RCW to read as follows:

The extension of sewer facilities outside of the boundaries of a city or town may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 33. A new section is added to chapter 35.91 RCW to read as follows:

The extension of water or sewer facilities outside of the boundaries of a city or town may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 34. A new section is added to chapter 35.92 RCW to read as follows:

The extension of water or sewer facilities outside of the boundaries of a city or town may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 35. A new section is added to chapter 35A.02 RCW to read as follows:

Actions taken under chapter 35A.02 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 36. A new section is added to chapter 35A.03 RCW to read as follows:

Actions taken under chapter 35A.03 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 37. A new section is added to chapter 35A.05 RCW to read as follows:

Actions taken under chapter 35A.05 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 38. A new section is added to chapter 35A.14 RCW to read as follows:
Actions taken under chapter 35A.14 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 39. A new section is added to chapter 35A.15 RCW to read as follows:
Actions taken under chapter 35A.15 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 40. A new section is added to chapter 35A.16 RCW to read as follows:
Actions taken under chapter 35A.16 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 41. A new section is added to chapter 52.02 RCW to read as follows:
Actions taken under chapter 52.02 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 42. A new section is added to chapter 52.04 RCW to read as follows:
Actions taken under chapter 52.04 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 43. A new section is added to chapter 52.06 RCW to read as follows:
Actions taken under chapter 52.06 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 44. A new section is added to chapter 52.08 RCW to read as follows:
Actions taken under chapter 52.08 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 45. A new section is added to chapter 52.10 RCW to read as follows:
Actions taken under chapter 52.10 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 46. A new section is added to chapter 53.48 RCW to read as follows:
The dissolution of a metropolitan park district, fire protection district, sewer district, water district, or flood control zone district under chapter 53.48 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 47. A new section is added to chapter 54.08 RCW to read as follows:
Actions taken under chapter 54.08 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 48. A new section is added to chapter 54.16 RCW to read as follows:
The provision of water service beyond the boundaries of a public utility district may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 49. A new section is added to chapter 54.32 RCW to read as follows:
Actions taken under chapter 54.32 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 50. A new section is added to chapter 56.04 RCW to read as follows:
Actions taken under chapter 56.04 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 51. A new section is added to chapter 56.08 RCW to read as follows:
The provision of sewer service beyond the boundaries of a sewer district may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 52. A new section is added to chapter 56.24 RCW to read as follows:
Actions taken under chapter 56.24 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 53. A new section is added to chapter 56.28 RCW to read as follows:
Actions taken under chapter 56.28 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 54. A new section is added to chapter 56.32 RCW to read as follows:
Actions taken under chapter 56.32 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 55. A new section is added to chapter 56.36 RCW to read as follows:
Actions taken under chapter 56.36 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 56. A new section is added to chapter 57.04 RCW to read as follows:
Actions taken under chapter 57.04 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 57. A new section is added to chapter 57.08 RCW to read as follows:
The provision of water service beyond the boundaries of a water district may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 58. A new section is added to chapter 57.24 RCW to read as follows:
Actions taken under chapter 57.24 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 59. A new section is added to chapter 57.28 RCW to read as follows:
Actions taken under chapter 57.28 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 60. A new section is added to chapter 57.32 RCW to read as follows:

Actions taken under chapter 57.32 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 61. A new section is added to chapter 57.36 RCW to read as follows:

Actions taken under chapter 57.36 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 62. A new section is added to chapter 57.40 RCW to read as follows:

Actions taken under chapter 57.40 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 63. A new section is added to chapter 57.90 RCW to read as follows:

Actions taken under chapter 57.90 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 64. A new section is added to chapter 85.38 RCW to read as follows:

The establishment of a drainage district, drainage improvement district, or drainage or diking improvement district may be subject to potential review by a boundary review board under chapter 36.93 RCW. Annexations, consolidations, or transfers of territory by a drainage district, drainage improvement district, or drainage or diking improvement district may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 65. A new section is added to chapter 86.15 RCW to read as follows:

The creation of a flood control zone district may be subject to potential review by a boundary review board under chapter 36.93 RCW. Extensions of service outside of the boundaries of a flood control zone district may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 66. A new section is added to chapter 87.03 RCW to read as follows:

The formation of an irrigation district may be subject to potential review by a boundary review board under chapter 36.93 RCW. The alteration of the boundaries of an irrigation district, including but not limited to a consolidation, addition of lands, exclusion of lands, or merger, may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 67. A new section is added to chapter 87.52 RCW to read as follows:

Actions taken under chapter 87.52 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 68. A new section is added to chapter 87.53 RCW to read as follows:

Actions taken under chapter 87.53 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 69. A new section is added to chapter 87.56 RCW to read as follows:

Actions taken under chapter 87.56 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 70. A new section is added to chapter 35.21 RCW to read as follows:

A city or town may provide factual information on the effects of a proposed boundary change on the city or town and the area potentially affected by the boundary change. A statement that the city or town has such information available, and copies of any printed materials or information available to be provided to the public shall be filled with the boundary review board for the board's information.

NEW SECTION. Sec. 71. The following acts or parts of acts are each repealed:

- (1) Section 5, chapter 189, Laws of 1967, section 1, chapter 98, Laws of 1967 ex. sess., section 2, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.050; and
- (2) Section 6, chapter 189, Laws of 1967, section 3, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.060."

On page 1, line 1 of the title, after "boards;" strike the remainder of the title and insert "amending RCW 35.02.078, 36.93.150, 36.93.100, 36.93.105, 36.93.170, 36.93.180, 35.02.170, 35.21-.790, and 35A.21.210; adding new sections to chapter 36.93 RCW; adding new sections to chapter 35.13 RCW; adding new sections to chapter 35A.14 RCW; adding a new section to chapter 35.02 RCW; adding a new section to chapter 35.07 RCW; adding a new section to chapter 35.10 RCW; adding a new section to chapter 35.16 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.43 RCW; adding a new section to chapter 35.61 RCW; adding a new section to chapter 35.67 RCW; adding a new section to chapter 35.91 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 35A.02 RCW; adding a new section to chapter 35A.03 RCW; adding a new section to chapter 35A.05 RCW; adding a new section to chapter 35A.15 RCW; adding a new section to chapter 35A.16 RCW; adding a new section to chapter 52.02 RCW; adding a new section to chapter 52.04 RCW; adding a new section to chapter 52.06 RCW; adding a new section to chapter 52.08 RCW; adding a new section to chapter 52.10 RCW; adding a new section to chapter 53.48 RCW; adding a new section to chapter 54.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 54.32 RCW; adding a new section to chapter 56.04 RCW; adding a new section to chapter 56.08 RCW; adding a new section to chapter 56.24 RCW; adding a new section to chapter 56.28 RCW; adding a new section to chapter 56.32 RCW; adding a new section to chapter 56.36 RCW; adding a new section to chapter 57.04 RCW; adding a new section to chapter 57.08 RCW; adding a new section to chapter 57.24 RCW; adding a new section to

chapter 57.28 RCW; adding a new section to chapter 57.32 RCW; adding a new section to chapter 57.36 RCW; adding a new section to chapter 57.40 RCW; adding a new section to chapter 57.90 RCW; adding a new section to chapter 85.38 RCW; adding a new section to chapter 86.15 RCW; adding a new section to chapter 87.03 RCW; adding a new section to chapter 87.52 RCW; adding a new section to chapter 87.53 RCW; adding a new section to chapter 87.56 RCW; and repealing RCW 36.93.050 and 36.93.060."

Signed by Representatives Haugen, Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representative Cooper, Vice Chair.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5128 Prime Sponsor, Committee on Governmental Operations: Specifying notice requirements for local improvements. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 22, after "improvements" insert ", or street lighting."

On page 2, line 13, after "improvements" insert ", or street lighting."

On page 3, line 18, after "improvements" insert ", or street lighting."

On page 4, line 32, after "improvements" insert ", or street lighting."

Signed by Representatives Haugen, Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representative Cooper, Vice Chair.

Passed to Committee on Rules for second reading.

March 28, 1989

2SSB 5174 Prime Sponsor, Committee on Ways & Means: Furthering the state hydropower plan. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Jacobsen, Jesernig, May, R. Meyers, Miller, H. Myers and S. Wilson.

Absent: Representatives Gallagher and S. Wilson.

Passed to Committee on Rules for second reading.

March 29, 1989

SSB 5220 Prime Sponsor, Committee on Higher Education: Establishing the community college exceptional faculty award program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:

On page 2, beginning on line 30, after "used" strike all material through "projects;" on line 34.

Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Inslee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Absent: Representatives Basich and Inslee.

Referred to Committee on Appropriations.

March 29, 1989

SSB 5221 Prime Sponsor, Committee on Higher Education: Establishing the advance college payment program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The treasurer shall study the feasibility of instituting an advance college payment program and submit a report, including recommendations, to the legislature by January 1, 1990. This study shall include, but not be limited to:

- (1) An examination of potential income tax and unrelated business income tax consequences of establishing a program;
- (2) Consideration of the impact of federal and state securities, insurance, and annuity laws on the sale of prepaid tuition contracts;
- (3) An examination of state constitutional issues raised by the establishment of a prepaid tuition program, including limitations on state debt and prohibitions on gifts and loans of the state's credit;
- (4) A review of state and federal financial aid policies and a determination of how such a program would impact present financial aid programs and how the plan matches the state's present and projected needs;
- (5) An examination of the effect such a program would have on tuition, enrollment, residency, and admission policies;
- (6) An actuarial analysis examining program risks and potential yields, computed over at least an eighteen-year horizon. This should include consideration of investment policy and participation rates necessary for maintaining an actuarially sound program;
- (7) An examination of alternative approaches to saving for college, including bonds, investment, and insurance programs, along with the ability of private sector financial institutions and others to provide such a program. This shall include an examination of whether or not private investment opportunities will do as well or better for purchasers as state programs and consideration of state restrictions on commercial activities;
- (8) Consideration of who should bear the risk and pay the difference if tuition costs increase faster than interest earnings or interest earnings are lower than expected and cannot cover tuition. This shall include an examination of how purchasers can be protected from investment shortfalls and the means by which the state can reduce its liability and risk in case the program proves to be actuarially unsound;
- (9) A determination of how much it would cost to start up and maintain an adequate program, including but not limited to staff, equipment, travel, and advertising needs;
- (10) Consideration of whether the plans should cover more than undergraduate tuition costs, such as room and board, mandatory fees, graduate tuition, books, materials, and fees. This shall include consideration of potential state tax incentives and whether the program should be limited to full-time or include part-time attendance;
- (11) An examination of ways to involve independent institutions in the program;
- (12) An examination of the portability of benefits across state lines, including the effect on reciprocity and other agreements; and
- (13) An examination of policy issues such as those raised by the education commission of the states and the college board."

On page 1, line 1 of the title, after "program:" strike the remainder of the title and insert "and creating a new section."

Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Hearvey, Inslee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Absent: Representatives Basich and Inslee.

Passed to Committee on Rules for second reading.

March 29, 1989

SB 5222 Prime Sponsor, Senator Saling: Repealing the termination of the loan program for mathematics and science teachers. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The higher education coordinating board, with the cooperation of the superintendent of public instruction, shall study and report to the legislature on the advisability of either expanding the loan program for mathematics and science teachers to other fields of study in which there are shortages of qualified teachers in the state of Washington or including the program in the future teachers conditional scholarship program, as outlined in chapter 28B.102 RCW. The board shall submit the report by December of 1989. The report shall also include recommendations on:

- (1) Procedures and responsibilities for forecasting the need within the public schools of the state for teachers with specific skill specialties;
- (2) Student loan eligibility criteria and related procedures designed to attract prospective teachers into the specific skill specialties in which the greatest shortages are forecasted;
- (3) The advisability of reducing the loan payback period for loan recipients not meeting the terms of loan forgiveness;
- (4) The means of monitoring the student loan program to assure its continued effectiveness and efficiency; and

(5) Any other measures designed to enhance the purpose of the program.

Sec. 2. Section 4, chapter 74, Laws of 1983 1st ex. sess. and RCW 28B.15.766 are each amended to read as follows:

No loans shall be made after August 23, ~~((1989, until the program is reviewed by the legislative budget committee and is reenacted by the legislature))~~ 1991."

On page 1, line 2 of the title, after "teachers;" strike the remainder of the title and insert "amending RCW 28B.15.766; and creating a new section."

Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Inslee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Absent: Representatives Heavey, Inslee and Prince.

Referred to Committee on Appropriations.

March 30, 1989

E2SSB 5225 Prime Sponsor, Committee on Ways & Means: Creating the Spokane intercollegiate research and technology institute. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Inslee, Jesernig, H. Myers, Prince, Rector and Wood.

MINORITY recommendation: Without recommendation. Signed by Representative Heavey.

Absent: Representative Miller.

Referred to Committee on Capital Facilities & Financing.

March 29, 1989

ESB 5226 Prime Sponsor, Senator Saling: Creating a graduate teacher fellowship pilot program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 7, chapter 370, Laws of 1985 as amended by section 20, chapter 136, Laws of 1986 and RCW 28B.80.360 are each amended to read as follows:

The board shall perform the following administrative responsibilities:

(1) Administer the programs set forth in the following statutes: Chapter 28A.58 RCW (Washington scholars); chapter 28B.04 RCW (displaced homemakers); chapter 28B.85 RCW (degree-granting institutions); RCW 28B.10.210 through 28B.10.220 (blind students subsidy); RCW 28B.10.800 through 28B.10.824 (student financial aid program); chapter 28B.12 RCW (work study); RCW 28B.15.067 through 28B.15.076 (educational costs for establishing tuition and fees); RCW 28B.15.543 (tuition waivers for Washington scholars); RCW 28B.15.760 through 28B.15.766 (math and science loans); RCW 28B.80.150 through 28B.80.170 (student exchange compact); RCW 28B.80.240 (student aid programs); ~~((and))~~ RCW 28B.80.210 (federal programs); and chapter 28B.-- RCW (sections 2 through 11 of this act) (governor's graduate teacher fellowship program).

(2) Study the delegation of the administration of the following: RCW 28B.65.040 through 28B.65.060 (high-technology board); chapter 28B.85 RCW (degree-granting institutions); RCW 28B.80.150 through 28B.80.170 (student exchange compact programs); RCW 28B.80.200 (state commission for federal law purposes); RCW 28B.80.210 (enumerated federal programs); RCW 28B.80.230 (receipt of federal funds); RCW 28B.80.240 (student financial aid programs); RCW 28A.58.824 through 28A.58.830 (Washington scholars); RCW 28B.15.543 (Washington scholars); RCW 28B.04.020 through 28B.04.110 (displaced homemakers); RCW 28B.10.215 and 28B.10.220 (blind students); RCW 28B.10.790, 28B.10.792, and 28B.10.802 through 28B.10.844 (student financial aid); RCW 28B.12.040 through 28B.12.070 (student work study); RCW 28B.15.100 (reciprocity agreement); RCW 28B.15.730 through 28B.15.736 (Oregon reciprocity); RCW 28B.15.750 through 28B.15.754 (Idaho reciprocity); RCW 28B.15.756 and 28B.15.758 (British Columbia reciprocity); and RCW 28B.15.760 through 28B.15.764 (math/science loans). The board shall report the results of its study and recommendations to the legislature.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Board' means the higher education coordinating board.

(2) 'Institutions of higher education' shall mean (a) any public university or college operated by the state of Washington or any political subdivision thereof or (b) any other university, college, school, or institute in the state of Washington offering instruction beyond the high

school level which is a member institution of an accrediting association recognized by rule of the board for the purposes of this section. Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of the accrediting association. No institution of higher education shall be eligible to participate in a student financial aid program unless it agrees to and complies with program rules adopted under RCW 28B.10.822.

(3) 'Program' means the governor's graduate teacher fellowship program.

(4) 'Fellowship' means a conditional scholarship or loan that is forgiven in whole or in part if the recipient renders service as a teacher in the public or private schools of this state for five or more years after receiving the fellowship.

NEW SECTION. Sec. 3. The governor's graduate teacher fellowship program is created. The program shall provide fellowship awards in recognition of the accomplishments of eligible graduate students pursuing a master's degree leading to initial or professional teacher certification.

NEW SECTION. Sec. 4. The board shall develop and administer the program and shall be responsible for monitoring and evaluating the effectiveness of the program.

NEW SECTION. Sec. 5. The board shall appoint an advisory committee comprised of teachers, school principals, and leaders in business, the social service field, government, and higher education. The advisory committee shall assist the board in:

- (1) Establishing guidelines for the administration of the program;
- (2) Developing eligibility criteria;
- (3) Developing a selection process; and
- (4) Selecting fellowship recipients.

NEW SECTION. Sec. 6. The program shall be designed to:

- (1) Provide superior teaching candidates with financial assistance while they pursue a master's degree leading to an initial or professional certificate;
- (2) Increase the number of underrepresented minorities becoming teachers;
- (3) Reward scholastic and professional achievement;
- (4) Provide an incentive to students who are committed to becoming teachers; and
- (5) Encourage colleges and universities to identify students with the potential to be outstanding teachers who qualify for the program.

NEW SECTION. Sec. 7. (1) Fellowships available through the program shall include:

(a) Fellowships for graduate students enrolled full-time in a master's in teaching degree program leading to an initial teacher's certificate; and

(b) Fellowships for students enrolled in an approved master's degree program leading to a professional teacher's certificate.

(2) Up to one hundred fellowships shall be made available beginning in the 1990-91 school year as specified in the appropriations act for eligible graduate students enrolled in a master's in teaching degree program.

(3) Up to one hundred fifty fellowships shall be made available beginning in the 1990-91 school year as specified in the appropriations act for eligible graduate students enrolled in an approved master's degree program.

NEW SECTION. Sec. 8. (1) The board, in cooperation with an advisory committee, shall establish eligibility criteria and select fellowship recipients.

(2) Eligibility criteria shall require that recipients:

- (a) Be Washington residents;
- (b) Have potential ability in classroom teaching if seeking initial certificates;
- (c) Have demonstrated ability in classroom teaching if seeking professional certificates;
- (d) Have demonstrated academic excellence in undergraduate studies;
- (e) Be admitted to a master's in teaching degree program or an approved master's degree program; and
- (f) For individuals pursuing approved master's degree programs, provide evidence of recent employment in a Washington public or private P-12 school system.

NEW SECTION. Sec. 9. Each fellowship award shall specify:

(1) The amount of the award and shall apply to a total of one year of attendance, as defined by the institution of higher education the student is attending;

(2) That the use of the fellowship shall be subject to the various academic requirements, disciplinary standards, and other requirements and standards related to attendance and graduation established by the institution of higher education;

(3) That a fellowship recipient shall not be eligible to receive more than one award;

(4) That an award shall not exceed fifteen thousand dollars; and

(5) That, except in very special circumstances, recipients agree to register as full-time graduate students. In those very special circumstances when the board permits a recipient to register on a part-time basis, the board may grant a partial award.

NEW SECTION. Sec. 10. (1) Participants in the program incur an obligation to repay the fellowship, with interest, unless they teach for five years in the schools of the state of Washington, under rules adopted by the board.

(2) The terms of the repayment, including deferral of the interest, shall be consistent with the terms of the federal guaranteed loan program. However, the board may adopt deferrals for special circumstances, including maternity leaves.

(3) The period for repayment shall be ten years, with payments accruing monthly or quarterly commencing nine months from the date the participant completes or discontinues the course of study.

(4) Twice the entire principal and interest of each payment shall be forgiven for each payment period in which the participant teaches in a school until the entire repayment obligation is satisfied or the borrower ceases to teach at a school in this state. Should the participant cease to teach at a school in this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

(5) The board is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary, and shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency. The board is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited with the board and shall be used to cover the costs of granting the fellowships, maintaining necessary records, and making collections under subsection (5) of this section. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant fellowships to eligible students.

NEW SECTION. Sec. 11. Sections 2 through 10 of this act shall expire on June 30, 1995.

NEW SECTION. Sec. 12. Sections 2 through 11 of this act shall constitute a new chapter in Title 28B RCW."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28B.80.360; adding a new chapter to Title 28B RCW; and providing an expiration date."

Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Insee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Absent: Representative Insee.

Referred to Committee on Appropriations.

March 29, 1989

ESB 5232 Prime Sponsor, Senator Bender: Establishing the office of capital projects. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments:

On page 3, beginning on line 11, strike all of section 7.

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 4, line 4, after "June 30," strike "1994" and insert "1992"

On page 4, line 8, after "June 30," strike "1995" and insert "1993"

Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; Kremen, Moyer, Rasmussen, Raiter, Rector, Tate, Walk and Youngsman.

Absent: Representatives G. Fisher, Kremen, Rasmussen and Schoon.

Referred to Committee on Appropriations.

March 28, 1989

ESB 5233 Prime Sponsor, Senator Pullen: Changing provisions relating to the crime of burglary. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Insee, P. King, R. Meyers, Moyer, H. Myers, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Hargrove, Locke and Patrick.

Referred to Committee on Appropriations.

March 28, 1989

SB 5246 Prime Sponsor, Senator Pullen: Foreclosing on deeds of trust. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Locke and Patrick.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5266 Prime Sponsor, Committee on Education: Providing baccalaureate and masters degree equivalencies for certification of vocational instructors. Reported by Committee on Education

MAJORITY recommendation: Do pass Signed by Representatives Peery, Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Jones, P. King, Phillips, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representatives G. Fisher, Vice Chair; Fuhrman, Holland and Horn.

Passed to Committee on Rules for second reading.

March 29, 1989

2SSB 5268 Prime Sponsor, Committee on Ways & Means: Regarding low-level radioactive waste surcharge. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 3, chapter 2, Laws of 1986 and RCW 43.200.170 are each amended to read as follows:

The governor may assess surcharges and penalty surcharges on the disposal of waste at the Hanford low-level radioactive waste disposal facility. The surcharges may be imposed up to the maximum extent permitted by federal law. Moneys received under this section shall be deposited in the general fund. Thirty-five percent of all moneys retained by the state under this section shall be transferred to the perpetual maintenance fund until December 31, 1992, or until the site closure account balance reaches ten million dollars, whichever occurs first.

Sec. 2. Section 8, chapter 19, Laws of 1983 1st ex. sess. as amended by section 1, chapter 2, Laws of 1986 and RCW 43.200.080 are each amended to read as follows:

The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in agreement with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature;

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965 and the sublease between the state of Washington and the site operator of the Hanford low-level radioactive waste disposal facility. In order to finance perpetual surveillance and maintenance under the agreement and ensure site closure under the sublease, the department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter ~~((34-04))~~ 34.05 RCW and shall be an amount determined by the department of ecology to be necessary to defray the estimated liability of the state under the perpetual care agreement and the sublease. Before December 31, 1992, the total fee for both site closure and perpetual surveillance and maintenance shall not exceed two dollars and seventy-five cents per cubic foot of waste disposed. Such fees shall reflect equity between the disposal facilities of this and other states. All such fees, when received by the department of ecology, shall be transmitted to the state treasurer, who shall act as custodian. The perpetual maintenance fund is created in the the state treasury. The treasurer shall place the money in a special ~~((account))~~ fund which may be designated the

~~'perpetual maintenance ((account)) fund.' ((Appropriations are required to permit expenditures and payment of obligations from this account, and the condition of the account and its administration shall be reported biennially to the legislature by the director.)) The perpetual maintenance fund shall be comprised of a site closure account and a perpetual surveillance and maintenance account. The site closure account shall be exclusively available to reimburse, to the extent that moneys are available in the account, the site operator for its costs plus a reasonable profit as agreed by the operator and the state, or to reimburse the state licensing agency and any agencies under contract to the state licensing agency for their costs in final closure and decommissioning of the Hanford low-level radioactive waste disposal facility. If a balance remains in the account after satisfactory performance of closure and decommissioning, this balance shall be transferred to the perpetual surveillance and maintenance account. The perpetual surveillance and maintenance account shall be used exclusively by the state to meet post-closure surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations. Appropriations are required to permit expenditures and payment of obligations from the site closure account and the perpetual surveillance and maintenance account. All moneys currently administered by the department of ecology for closure of the Hanford low-level radioactive waste disposal facility shall be transferred to the site closure account within the perpetual maintenance fund. All future moneys contributed to the perpetual maintenance fund shall be directed to the site closure account until December 31, 1992. Thereafter receipts shall be directed to the perpetual maintenance fund as specified by the department except that fees for waste management shall no longer be collected if the closure account balance reaches ten million dollars before December 31, 1992. If the account balance does not reach ten million dollars before December 31, 1992, the state, on or about that date, shall adjust the waste management fee to a level predicted to bring the site closure account balance to ten million dollars by December 31, 1995. The condition of the fund and its administration shall be reported biennially to the legislature by the director. Moneys in the perpetual maintenance ((account)) fund shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance ((account)) fund. Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the perpetual maintenance ((account). The perpetual maintenance account shall be used exclusively for surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations)) fund:~~

(3) To assure maintenance of such insurance coverage by state licensees, lessees, or sub-lessees as will adequately, in the opinion of the director, protect the citizens of the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities;

(4) To institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility. The costs of administering the user permit system shall be borne by the applicants for site use permits. The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management; and

(5) To make application for or otherwise pursue any federal funds to which the state may be eligible, through the federal resource conservation and recovery act or any other federal programs, for the management, treatment or disposal, and any remedial actions, of wastes that are both radioactive and hazardous at all Hanford low-level radioactive waste disposal facilities.

NEW SECTION. Sec. 3. This act shall not take effect unless the legislature passes and the governor signs legislation which reduces the business and occupation rate imposed by RCW 82.04.260(13) to less than thirty percent."

On page 1, line 1 of the title, after "surcharges;" strike the remainder of the title and insert "amending RCW 43.200.170 and 43.200.080; and creating a new section."

Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Gallagher, Jesernig, May, R. Meyers, Miller, H. Myers and S. Wilson.

Absent: Representatives Jacobsen, Jesernig and H. Myers.

Referred to Committee on Revenue.

March 30, 1989

ESSB 5314 Prime Sponsor, Committee on Education: Prohibiting persons convicted of sex crimes or other crimes affecting children from working in the public schools. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 28A.70 RCW to read as follows:

Any certificate to teach authorized under the provisions of this chapter or rules and regulations promulgated thereunder may be revoked or suspended by the authority authorized to grant the same upon complaint of any school district superintendent or educational service district superintendent for immorality, violation of written contract, unprofessional conduct, intemperance, or crime against the law of the state. Any such certificate to teach shall be revoked by the authority authorized to grant the certificate upon a guilty plea or the conviction of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction. The person whose certificate is in question shall be given an opportunity to be heard. Mandatory permanent revocation upon a guilty plea or the conviction of felony crimes specified under this section shall apply to such convictions and guilty pleas which occur after the effective date of this act. Revocation of a teaching certificate for a guilty plea or criminal conviction occurring prior to the effective date of this act shall be subject to the provisions of RCW 28A.70.160.

Sec. 2. Section 28A.70.180, chapter 223, Laws of 1969 ex. sess. and RCW 28A.70.180 are each amended to read as follows:

In case any certificate is revoked, the holder shall not be eligible to receive another teacher's certificate for a period of twelve months after the date of revocation. However, if the certificate was revoked because of a guilty plea or the conviction of a felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction, the certificate shall not be reinstated.

NEW SECTION. Sec. 3. A new section is added to Title 28A RCW to read as follows:

(1) The school district board of directors shall immediately terminate the employment of any classified employee who has contact with children during the course of his or her employment upon a guilty plea or conviction of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction.

(2) The employee shall have a right of appeal under chapter 28A.88 RCW including any right of appeal under a collective bargaining agreement.

NEW SECTION. Sec. 4. A new section is added to Title 28A RCW to read as follows:

The school district board of directors shall include in any contract for services with an entity other than an employee of the school district a provision requiring the contractor to prohibit any employee of the contractor from working at a public school who has contact with children at a public school during the course of his or her employment and who has pled guilty to or been convicted of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction. The contract shall also contain a provision that any failure to comply with this section shall be grounds for the school district immediately terminating the contract.

NEW SECTION. Sec. 5. A new section is added to Title 28A RCW to read as follows:

The school district shall immediately terminate the employment of any person whose certificate is subject to revocation under RCW 28A.70.160 upon a guilty plea or conviction of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction. Employment shall remain terminated unless the employee successfully prevails on appeal. This section shall only apply to certificated employees who have contact with children during the course of their employment.

NEW SECTION. Sec. 6. A new section is added to chapter 43.43 RCW to read as follows:

(1) Upon a guilty plea or conviction of a person of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual

exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, or the sale or purchase of a minor child under RCW 9A.64.030, the prosecuting attorney shall determine whether the person has a certificate to teach under chapter 28A.70 RCW or is employed by a school district. If the person is employed by a school district or certified under chapter 28A.70 RCW, the prosecuting attorney shall notify the state patrol of such guilty pleas or convictions.

(2) When the state patrol receives information that a person who has a certificate to teach or is employed by a school district has pled guilty to or been convicted of one of the felony crimes under subsection (1) of this section, the state patrol shall immediately transmit that information to the state board of education and the superintendent of public instruction.

NEW SECTION, Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "schools," strike the remainder of the title and insert "amending RCW 28A.70.180; adding new sections to Title 28A RCW; adding a new section to chapter 28A.70 RCW; and adding a new section to chapter 43.43 RCW."

Signed by Representatives Peery, Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Schoon, Valle, Walker and K. Wilson.

Absent: Representatives G. Fisher, Vice Chair; Fuhrman, Holland, Horn and P. King.

Passed to Committee on Rules for second reading.

March 28, 1989

SB 5329 Prime Sponsor, Senator Lee: Establishing a master license delinquency fee. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member, Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Absent: Representatives O'Brien and Walker.

Passed to Committee on Rules for second reading.

March 29, 1989

SSB 5357 Prime Sponsor, Committee on Financial Institutions & Insurance: Defining insurance education provider and establishing requirements for such providers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 48.17 RCW to read as follows:

It is unlawful for any unauthorized person to remove, reproduce, duplicate, or distribute in any form, any question(s) used by the state of Washington to determine the qualifications and competence of insurance agents, brokers, solicitors, or adjusters required by Title 48 RCW to be licensed. This section shall not prohibit an insurance education provider from creating and using sample test questions in courses approved pursuant to RCW 48.17.150.

Any person violating this section shall be subject to penalties as provided by RCW 48.01-.080 and 48.17.560.

NEW SECTION, Sec. 2. A new section is added to chapter 48.17 RCW to read as follows:

"Insurance education provider" means any insurer, health care service contractor, health maintenance organization, professional association, educational institution created by Washington statutes, or vocational school licensed under Title 28C RCW or independent contractor to which the commissioner has granted authority to conduct and certify completion of a course satisfying the insurance education requirements of RCW 48.17.150.

Sec. 3. Section .17.56, chapter 79, Laws of 1947 as last amended by section 8, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.17.560 are each amended to read as follows:

After hearing or upon stipulation by the licensee or insurance education provider, and in addition to or in lieu of the suspension, revocation, or refusal to renew any such license or insurance education provider approval, the commissioner may levy a fine upon the licensee or insurance education provider. (1) For each offense ~~((tn))~~ the fine shall be an amount ~~((not less than fifty dollars and))~~ not more than ~~((five hundred dollars, but in no case more than a total of))~~ one thousand dollars. (2) The order levying such fine shall specify ~~((the period within which))~~ that the fine shall be fully paid ~~((and which period shall be))~~ not less than fifteen nor

more than thirty days from the date of the order. (3) Upon failure to pay any such fine when due, the commissioner shall revoke the licenses of the licensee or the approval(s) of the insurance education provider, if not already revoked((, and)). The fine shall be recovered in a civil action brought ((tm)) on behalf of the commissioner by the attorney general. Any fine so collected shall be paid by the commissioner to the state treasurer for the account of the general fund.

NEW SECTION, Sec. 4. A new section is added to chapter 48.17 RCW to read as follows:

If an investigation of any provider culminates in a finding by the commissioner or by any court of competent jurisdiction, that the provider has failed to comply with or has violated any statute or regulation pertaining to insurance education, the provider shall pay the expenses reasonably attributable and allocable to such investigation.

(1) The commissioner shall calculate such expenses and render a bill therefor by registered mail to the provider. Within thirty days after receipt of such bill, the provider shall pay the full amount to the commissioner. The commissioner shall transmit such payment to the state treasurer. The state treasurer shall credit the payment to the office of the insurance commissioner regulatory account, treating such payment as recovery of a prior expenditure.

(2) In any action brought under this section, if the insurance commissioner prevails, the court may award to the office of the insurance commissioner all costs of the action, including a reasonable attorneys' fee to be fixed by the court.

NEW SECTION, Sec. 5. A new section is added to chapter 48.17 RCW to read as follows:

In addition to the regulatory requirements imposed pursuant to RCW 48.17.150, the commissioner may require each insurance education provider to post a bond, cash deposit, or irrevocable letter of credit. Every insurance education provider, other than an insurer, health care service contractor, health maintenance organization, or educational institution established by Washington statutes, is subject to the requirement.

(1) The provider shall file with each request for course approval and shall maintain in force while so approved, the bond, cash deposit, or irrevocable letter of credit in favor of the state of Washington, according to criteria which the commissioner shall establish by regulation. The amount of such bond, cash deposit, or irrevocable letter of credit, shall not exceed five thousand dollars for the provider's first approved course and one thousand dollars for each additional approved course.

(2) Proceeds from the bond, cash deposit, or irrevocable letter of credit shall inure to the commissioner for payment of investigation expenses or for payment of any fine ordered per Washington statutes or regulations governing insurance education: PROVIDED, That recoverable investigation expenses or fines shall not be limited to the amount of such required bond, cash deposit, or irrevocable letter of credit.

Sec. 6. Section .17.12, chapter 79, Laws of 1947 as last amended by section 2, chapter 111, Laws of 1981 and RCW 48.17.120 are each amended to read as follows:

(1) Each such examination shall be of sufficient scope ((reasonably)) and difficulty to test the applicant's knowledge relative to the kinds of insurance which may be dealt with under the license applied for, and of the duties and responsibilities of, and laws of this state applicable to, such a licensee, and so as reasonably to assure that a passing score indicates that the applicant is qualified from the standpoint of knowledge and education.

(2) Examination as to ocean marine and related coverages may be waived by the commissioner as to any applicant deemed by the commissioner to be qualified by past experience to deal in such insurances.

(3) The commissioner shall prepare, or approve, and make available to insurers, general agents, brokers, agents, and applicants a printed manual specifying in general terms the subjects which may be covered in any examination for a particular license.

NEW SECTION, Sec. 7. A new section is added to chapter 48.17 RCW to read as follows:

(1) The commissioner may require insurance education providers to furnish information regarding their curricula, faculty, methods of monitoring attendance, and other matters reasonably related to providing insurance education under this chapter. The commissioner may grant approvals to such providers to conduct and certify completion of one or more courses satisfying the insurance education requirements of RCW 48.17.150.

(2) In granting approvals for courses required by RCW 48.17.150(1)(d):

(a) The commissioner may require the availability of a licensed agent on the premises whenever instruction is being offered; and

(b) The commissioner shall not deny approval to any provider on the grounds that the proposed method of education employs nontraditional teaching techniques, such as substituting taped lectures for live instruction, offering instruction without fixed schedules, or providing education at individual learning rates.

NEW SECTION, Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

On page 1, line 1 of the title, after "providers;" strike the remainder of the title and insert "amending RCW 48.17.560 and 48.17.120; adding new sections to chapter 48.17 RCW; prescribing penalties; providing an effective date; and declaring an emergency."

Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Beck, Dorn, Inslee, Nutley, K. Wilson and Winsley.

Absent: Representatives Day, Dorn and Schmidt.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5419 Prime Sponsor, Committee on Environment & Natural Resources:
Allowing Oregon charter boats to fish in Washington waters.
Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 90, Laws of 1969 as last amended by section 1, chapter 9, Laws of 1988 and RCW 75.28.095 are each amended to read as follows:

(1) A charter boat license is required for a vessel to be operated as a charter boat from which food fish are taken for personal use. The annual license fees are:

	Resident Fee	Nonresident Fee
(a) Food fish other than salmon	\$100	\$200
(b) Salmon and other food fish	\$200	\$200

(2) 'Charter boat' means a vessel from which persons may, for a fee, fish for food fish, and which delivers food fish into state ports or delivers food fish taken from state waters into United States ports. 'Charter boat' does not mean:

(a) Vessels not generally engaged in charter boat fishing which are under private lease or charter and operated by the lessee for the lessee's personal recreational enjoyment; or

(b) Vessels used by guides for clients fishing for food fish for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

(3) A charter boat licensed in Oregon shall be permitted to fish without a charter boat license in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point under the same regulations as Washington charter boat operators, as long as the Oregon vessel does not land at any Washington port with the purpose of taking on or discharging passengers. The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations.

(4) A vessel shall not engage in both charter or sports fishing and commercial fishing on the same day. A vessel may be licensed for both charter boat fishing and for commercial fishing at the same time. The license or delivery permit allowing the activity not being engaged in shall be deposited with the fisheries patrol officer for that area or an agent designated by the director.

Sec. 2. Section 2, chapter 101, Laws of 1979 as amended by section 142, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.30.070 are each amended to read as follows:

(1) In addition to a salmon charter boat license, an angler permit is required to operate a salmon charter boat in salt water. The angler permit shall specify the maximum number of persons that may fish from the charter boat per trip and shall be issued annually without charge. The angler permit expires if the salmon charter boat license is not renewed.

(2) An angler permit shall not be required for charter boats licensed in Oregon and fishing in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point under the same regulations as Washington charter boat operators, as long as the Oregon vessel does not land at any Washington port with the purpose of taking on or discharging passengers. The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations.

On page 1, line 1 of the title, after "boats;" strike the remainder of the title and insert "amending RCW 75.28.095 and 75.30.070."

Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Cole, Smith, Spanel and Vekich.

Absent: Representatives Brooks and Haugen.

Passed to Committee on Rules for second reading.

March 27, 1989

ESB 5440 Prime Sponsor, Senator von Reichbauer: Regulating tow trucks.
Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 377, Laws of 1985 as amended by section 1, chapter 311, Laws of 1987 and by section 739, chapter 330, Laws of 1987 and RCW 46.55.010 are each reenacted and amended to read as follows:

The definitions set forth in this section apply throughout this chapter:

(1) 'Abandoned vehicle' means a vehicle that a registered tow truck operator has impounded and held in ~~(his)~~ the operator's possession for ninety-six consecutive hours.

(2) ~~'(Abandoned) Auctioned vehicle report'~~ means the document prescribed by the state that the towing operator forwards to the department after a vehicle has ~~(become abandoned) been sold or disposed of at an auction.~~

(3) 'Impound' means to take and hold a vehicle in legal custody. There are two types of impounds—public and private.

(a) 'Public impound' means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

(b) 'Private impound' means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(4) 'Junk vehicle' means a ~~(motor)~~ vehicle certified under RCW 46.55.230 as meeting all the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Is without a valid, current registration plate;

(e) Has a fair market value equal only to the value of the scrap in it.

(5) 'Master log' means the document or an electronic facsimile prescribed by the department and the Washington state patrol in which an operator records transactions involving impounded vehicles.

(6) 'Registered tow truck operator' or 'operator' means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

~~((6))~~ (7) 'Residential property' means property that has no more than four living units located on it.

~~((7))~~ (8) 'Tow truck' means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.

~~((8))~~ (9) 'Tow truck number' means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

~~((9))~~ (10) 'Tow truck permit' means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

~~((10))~~ (11) 'Tow truck service' means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

~~((11))~~ (12) 'Unauthorized vehicle' means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

(a) Public locations:

(i) Constituting an accident or a traffic hazard as defined in RCW ~~((46.61.565))~~ 46.55.113 Immediately

(ii) On a highway and tagged as described in RCW ~~((46.52.170))~~ 46.55.085 24 hours

(iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070 Immediately

(b) Private locations:

(i) On residential property Immediately

(ii) On private, nonresidential property, properly posted under RCW 46.55.070 Immediately

(iii) On private, nonresidential property, not posted 24 hours

Sec. 2. Section 2, chapter 377, Laws of 1985 and RCW 46.55.020 are each amended to read as follows:

A person ~~((who engages))~~ shall not engage in or offer(s) to engage in the activities of a registered tow truck operator ~~((shall not do so))~~ without ~~((first obtaining))~~ a current registration certificate from the department of licensing authorizing him to engage in such activities. Any

person engaging in or offering to engage in the activities of a registered tow truck operator without the registration certificate required by this chapter is guilty of a gross misdemeanor.

A registered operator who engages in a business practice that is prohibited under this chapter may be issued a notice of traffic infraction under chapter 46.63 RCW and is also subject to the civil penalties that may be imposed by the department under this chapter. A person found to have committed an offense that is a traffic infraction under this chapter is subject to a monetary penalty of at least two hundred fifty dollars. All traffic infractions issued under this chapter shall be under the jurisdiction of the district court in whose jurisdiction they were issued.

Sec. 3. Section 3, chapter 377, Laws of 1985 as amended by section 2, chapter 311, Laws of 1987 and RCW 46.55.030 are each amended to read as follows:

(1) Application for licensing as a registered tow truck operator shall be made on forms furnished by the department, shall be accompanied by an inspection certification from the Washington state patrol, shall be signed by the applicant or ~~(his)~~ an agent, and shall include the following information:

(a) The name and address of the person, firm, partnership, association, or corporation under whose name the business is to be conducted;

(b) The names and addresses of all persons having an interest in the business, or if the owner is a corporation, the names and addresses of the officers of the corporation;

(c) The names and addresses of all employees who serve as tow truck drivers;

(d) Proof of minimum insurance required by subsection (3) of this section;

(e) The vehicle license and vehicle identification numbers of all low trucks of which the applicant is the registered owner;

(f) Any other information the department may require; and

~~((f)) (g) A certificate of approval from ((the chief of police if the applicant's principal place of business is located in a city or town having a population over five thousand persons or, in all other instances, from a member of)) the Washington state patrol((:)) certifying that:~~

(i) The applicant has an established place of business and that mail is received at the address shown on the application;

(ii) The address of any storage locations where vehicles may be stored is correctly stated on the application;

(iii) The place of business has an office area that is accessible to the public without entering the storage area; and

~~((iii)) (iv) The place of business has adequate and secure storage facilities, as defined in this chapter and the rules of the department, where vehicles and their contents can be properly stored and protected.~~

(2) Before issuing a registration certificate to an applicant the department shall require the applicant to file with the department a surety bond in the amount of five thousand dollars running to the state and executed by a surety company authorized to do business in this state. The bond shall be approved as to form by the attorney general and conditioned that the operator shall conduct his business in conformity with the provisions of this chapter pertaining to abandoned or unauthorized vehicles, and to compensate any person, company, or the state for failure to comply with this chapter or the rules adopted hereunder, or for fraud, negligence, or misrepresentation in the handling of these vehicles. Any person injured by the tow truck operator's failure to fully perform duties imposed by this chapter and the rules adopted hereunder, or an ordinance or resolution adopted by a city, town, or county is entitled to recover actual damages, including reasonable attorney's fees against the surety and the tow truck operator. Successive recoveries against the bond shall be permitted, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. As a condition of authority to do business, the operator shall keep the bond in full force and effect. Failure to maintain the penalty value of the bond or cancellation of the bond by the surety automatically cancels the operator's registration.

(3) Before the department may issue a registration certificate to an applicant, the applicant shall provide proof of minimum insurance requirements of:

(a) One hundred thousand dollars for liability for bodily injury or property damage per occurrence; and

(b) Fifty thousand dollars of legal liability per occurrence, to protect against vehicle damage, including but not limited to fire and theft, from the time a vehicle comes into the custody of an operator until it is redeemed or sold.

Cancellation of or failure to maintain the insurance required by (a) and (b) of this subsection automatically cancels the operator's registration.

(4) The fee for each original registration and annual renewal is one hundred dollars per company, plus fifty dollars per truck. The department shall forward the registration fee to the state treasurer for deposit in the motor vehicle fund.

(5) The applicant must submit an inspection certificate from the state patrol before the department may issue or renew an operator's registration certificate or tow truck permits.

(6) Upon approval of the application, the department shall issue a registration certificate to the registered operator to be displayed prominently at the operator's place of business.

Sec. 4. Section 4, chapter 377, Laws of 1985 and RCW 46.55.040 are each amended to read as follows:

(1) A registered operator shall apply for and keep current a tow truck permit for each tow truck of which the operator is the registered owner. Application for a tow truck permit shall be accompanied by a report from the Washington state patrol covering a physical inspection of each tow truck ~~((to be))~~ capable of being used by the applicant.

(2) Upon receipt of the fee provided in RCW 46.55.030(4) and a satisfactory inspection report from the state patrol, the department shall issue each tow truck an annual tow truck permit or decal. The class of the tow truck, determined according to RCW 46.55.050, shall be stamped on the permit or decal. The permit or decal shall be displayed on the passenger side of the truck's front windshield.

(3) A tow truck number from the department shall be affixed in a permanent manner to each tow truck.

(4) The Washington state patrol shall conduct annual inspections of tow truck operators' equipment and facilities during the operators' normal business hours. Unscheduled inspections may be conducted without notice at the operator's place of business by an inspector to determine the fitness of a tow truck or facilities. At the time of the inspection, the operator shall provide a paper copy of the master log referred to in RCW 46.55.080.

(5) If at the time of the annual or subsequent inspections the equipment does not meet the requirements of this chapter, and the deficiency is a safety related deficiency, or the equipment is necessary to the truck's performance, the inspector shall cause the registered tow truck operator to remove that equipment from service as a tow truck until such time as the equipment has been satisfactorily repaired. A red tag shall be placed on the windshield of a tow truck taken out of service, and the tow truck shall not provide tow truck service until the Washington state patrol recertifies the truck and removes the tag.

Sec. 5. Section 6, chapter 377, Laws of 1985 as amended by section 3, chapter 311, Laws of 1987 and RCW 46.55.060 are each amended to read as follows:

(1) The address that the tow truck operator lists on his or her application shall be the business location of the firm where its files are kept. Each separate business location requires a separate registration under this chapter. The application shall also list all locations of secure areas for vehicle storage and redemption.

(2) Before an additional lot may be used for vehicle storage, it must be inspected and approved by the state patrol. The lot must also be inspected and approved on an annual basis for continued use.

(3) Each business location must have a sign displaying the firm's name that is readable from the street.

(4) At the business locations listed where vehicles may be redeemed, the registered operator shall post in a conspicuous and accessible location:

(a) All pertinent licenses and permits to operate as a registered tow truck operator;

(b) The current towing and storage charges itemized on a form approved by the department;

(c) The vehicle redemption procedure and rights;

(d) Information supplied by the department as to where complaints regarding either equipment or service are to be directed;

(e) Information concerning the acceptance of commercially reasonable tender as defined in RCW 46.55.120(1)(b).

~~((3))~~ Ten days before the effective date of any change in an operator's fee schedule, the registered tow truck operator shall file the revised fee schedule with the department.

~~((4))~~ (5) The department shall adopt rules concerning fencing and security requirements of storage areas, which may provide for modifications or exemptions where needed to achieve compliance with local zoning laws.

~~((5))~~ (6) On any day when the registered tow truck operator holds the towing services open for business, the business office shall remain open with personnel present who are able to release impounded vehicles in accordance with this chapter and the rules adopted under it. The normal business hours of a towing service shall be from 8:00 a.m. to 5:00 p.m. on weekdays, excluding Saturdays, Sundays, and holidays.

~~((6))~~ (7) A registered tow truck operator shall maintain personnel who can be contacted twenty-four hours a day to release impounded vehicles within a reasonable time.

~~((7))~~ Towing contracts with private property owners shall be in written form and state the hours of authorization to impound, the persons empowered to authorize such impounds, and the present charge of a private impound for the classes of tow trucks to be used in such impound, and shall be retained in the files of the registered tow truck operator for three years.

(8) Any fee that is charged for the storage of a vehicle shall be calculated on a twenty-four hour basis, and shall be charged to the nearest half day from the time the vehicle arrived at the secure storage area.

(9) All billing invoices that are provided to the redeemer of the vehicle shall be itemized so that the individual fees are clearly discernable.)

(8) A registered operator shall provide access to a telephone for any person redeeming a vehicle, at the time of redemption.

NEW SECTION. Sec. 6. A new section is added to chapter 46.55 RCW to read as follows:

(1) An operator shall file a fee schedule with the department. All filed fees must be adequate to cover the costs of service provided. No fees may exceed those filed with the department. At least ten days before the effective date of any change in an operator's fee schedule, the registered tow truck operator shall file the revised fee schedule with the department.

(2) Towing contracts with private property owners shall be in written form and state the hours of authorization to impound, the persons empowered to authorize the impounds, and the present charge of a private impound for the classes of tow trucks to be used in the impound, and must be retained in the files of the registered tow truck operator for three years.

(3) A fee that is charged for tow truck service must be calculated on an hourly basis, and after the first hour must be charged to the nearest quarter hour.

(4) A fee that is charged for the storage of a vehicle must be calculated on a twenty-four hour basis and must be charged to the nearest half day from the time the vehicle arrived at the secure storage area.

(5) All billing invoices that are provided to the redeemer of the vehicle must be itemized so that the individual fees are clearly discernable.

Sec. 7. Section 8, chapter 377, Laws of 1985 as amended by section 5, chapter 311, Laws of 1987 and RCW 46.55.080 are each amended to read as follows:

(1) If a vehicle is in violation of the time restrictions of RCW 46.55.010(12), it may be impounded by a registered tow truck operator at the direction of a law enforcement officer or other public official with jurisdiction if the vehicle is on public property, or at the direction of the property owner or ~~(his)~~ an agent if it is on private property. A law enforcement officer may also direct the impoundment of a vehicle pursuant to a writ or court order.

(2) The person requesting a private impound or a law enforcement officer or public official requesting a public impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound. A registered tow truck operator, employee, or his or her agent may not serve as an agent of a property owner for the purposes of signing an impound authorization or, independent of the property owner, identify a vehicle for impound.

(3) In the case of a private impound, the impound authorization shall include the following statement: 'A person authorizing this impound, if the impound is found in violation of chapter 46.55 RCW, may be held liable for the costs incurred by the vehicle owner.'

(4) A registered tow truck operator shall record and keep in the operator's files the date and time that a vehicle is put in the operator's custody and released. The operator shall make an entry into a master log regarding transactions relating to impounded vehicles. The operator shall make this master log available, upon request, to representatives of the department or the state patrol.

(5) A person who engages in or offers to engage in the activities of a registered tow truck operator may not be associated in any way with a person or business whose main activity is authorizing the impounding of vehicles.

Sec. 8. Section 10, chapter 377, Laws of 1985 as amended by section 8, chapter 311, Laws of 1987 and RCW 46.55.100 are each amended to read as follows:

(1) At the time of impoundment the registered tow truck operator providing the towing service shall give immediate notification, by telephone or radio, to a law enforcement agency having jurisdiction who shall maintain a log of such reports (~~unless the impoundment was requested by that~~). A law enforcement agency shall immediately provide to a requesting operator the name and address of the legal and registered owners of the vehicle, the vehicle identification number, and any other necessary, pertinent information. The initial notice of impoundment shall be followed by a written notice within twenty-four hours. In the case of a vehicle from another state, time requirements of this subsection do not apply until the requesting law enforcement agency in this state receives the information.

(2) ~~(The operator shall immediately send an abandoned vehicle report to the department for any vehicle in the operator's possession after the ninety-six hour abandonment period. Such report need not be sent when the impoundment is pursuant to a writ, court order, or police hold. The owner notification and abandonment process shall be initiated by the registered tow truck operator immediately following notification by a court or law enforcement officer that the writ, court order, or police hold is no longer in effect.~~

(3) Following the submittal of an abandoned vehicle report, the department shall provide the registered tow truck operator with owner information within seventy-two hours.

(4) ~~Within fifteen days of the sale of an abandoned vehicle at public auction, the towing operator shall send a copy of the (abandoned) auctioned vehicle report showing the disposition of the abandoned vehicle to the crime information center of the Washington state patrol.~~

~~((5))~~ (3) If the operator (sends an abandoned vehicle report to the department and the department) requests owner information from a law enforcement agency and the agency finds no owner information, an operator may proceed with an inspection of the vehicle to determine whether owner identification is within the vehicle.

(4) If the operator finds no owner identification, the operator shall immediately notify the appropriate law enforcement agency, which shall search the vehicle for the vehicle identification number and check the necessary records to determine the vehicle's owners.

Sec. 9, Section 11, chapter 377, Laws of 1985 as amended by section 9, chapter 311, Laws of 1987 and RCW 46.55.110 are each amended to read as follows:

(1) ((in the case of)) When an unauthorized vehicle is impounded ((from public property, the law enforcement agency or other public official directing the impoundment, or in the case of a vehicle impounded from private property)), the impounding towing operator((;)) shall notify the legal and registered owners of the impoundment of the unauthorized vehicle. The notification shall be sent by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, as provided by the law enforcement agency, and shall inform the owners of the identity of the person or agency authorizing the impound. Within twenty-four hours after the operator's request for owner information, the law enforcement agency shall mail or personally serve a printed copy of the owner information for inclusion in the operator's transaction file. The notification shall include the name of the impounding tow firm, its address, and telephone number. The notice shall also include the location, time of the impound, and by whose authority the vehicle was impounded. The notice shall also include the written notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment pursuant to RCW 46.55.120.

(2) In the case of an abandoned vehicle, within ((twenty-four)) ninety-six hours after receiving written information on the vehicle owners from the ((department through the abandoned vehicle report)) law enforcement agency, the tow truck operator shall send by certified mail, with return receipt requested, a notice of custody and sale to the legal and registered owners.

(3) No notices need be sent to the legal or registered owners of an impounded vehicle if the vehicle has been redeemed.

Sec. 10, Section 12, chapter 377, Laws of 1985 as amended by section 12, chapter 311, Laws of 1987 and RCW 46.55.120 are each amended to read as follows:

(1) Vehicles impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, or 46.55.113 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle, or one who has purchased a vehicle from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle.

(b) The vehicle shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2) (a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The district court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, ((and)) the registered and legal owners of the vehicle, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper.

(c) At the conclusion of the hearing, the district court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be ((invalid)) in violation of this chapter, then the registered and legal owners of the vehicle shall bear no impoundment, towing, or storage fees, and any bond or other security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment for reasonable damages for loss of the use of the vehicle during the time the same was impounded, for not less than fifty dollars per day, against the person or agency authorizing the impound. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO:

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the
Court located at in the sum of \$..... in an action entitled
..... Case No. YOU ARE FURTHER NOTIFIED that attorneys fees and costs will
be awarded against you under RCW ... if the judgment is not paid within 15 days of
the date of this notice.

DATED this ... day of ..., 19

Signature

Typed name and address
of party mailing notice

(4) Any impounded abandoned vehicle not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(2) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle may be redeemed at any time before the start of the auction upon payment of towing and storage fees.

Sec. 11. Section 13, chapter 377, Laws of 1985 as amended by section 13, chapter 311, Laws of 1987 and RCW 46.55.130 are each amended to read as follows:

(1) If, after the expiration of fifteen days from the date of mailing of notice of custody and sale required in RCW 46.55.110(2) to the registered and legal owners, the vehicle remains unclaimed and has not been listed as a stolen vehicle, then the registered tow truck operator having custody of the vehicle shall conduct a sale of the vehicle at public auction after having first published a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days and no more than ten days before the date of the auction. The notice shall contain a description of the vehicle including the make, model, year, and license number and a notification that a three-hour public viewing period will be available before the auction. The auction shall be held during daylight hours of a normal business day.

(2) The following procedures are required in any public auction of such abandoned vehicles:

(a) The auction shall be held in such a manner that all persons present are given an equal time and opportunity to bid;

(b) All bidders must be present at the time of auction unless they have submitted to the registered tow truck operator, who may or may not choose to use the preauction bid method, a written bid on a specific vehicle. Written bids may be submitted up to five days before the auction and shall clearly state which vehicle is being bid upon, the amount of the bid, and who is submitting the bid;

(c) The open bid process, including all written bids, shall be used so that everyone knows the dollar value that must be exceeded;

(d) The highest two bids received shall be recorded in written form and shall include the name, address, and telephone number of each such bidder;

(e) In case the high bidder defaults, the next bidder has the right to purchase the vehicle for the amount of his or her bid;

(f) The successful bidder shall apply for title within fifteen days;

(g) The registered tow truck operator shall post a copy of the auction procedure at the bidding site. If the bidding site is different from the licensed office location, the operator shall post a clearly visible sign at the office location that describes in detail where the auction will be held. At the bidding site a copy of the newspaper advertisement that lists the vehicles for sale shall be posted;

~~((g))~~ (h) All surplus moneys derived from the auction after satisfaction of the registered tow truck operator's lien shall be remitted within thirty days to the department for deposit in the state motor vehicle fund. A report identifying the vehicles resulting in any surplus shall accompany the remitted funds. If the director subsequently receives a valid claim from the registered vehicle owner of record as determined by the department within one year from the date of the auction, the surplus moneys shall be remitted to such owner;

~~((h))~~ (i) If an operator receives no bid, or if the operator is the successful bidder at auction, the operator shall, within thirty days sell the vehicle to a licensed vehicle wrecker, hulk hauler, or scrap processor by use of the abandoned vehicle report-affidavit of sale, or the operator shall apply for title to the vehicle.

(3) In no case may an operator hold a vehicle for longer than ninety days without holding an auction on the vehicle, except for vehicles that are under a police or judicial hold.

(4) (a) In no case may the accumulation of storage charges exceed fifteen days from the date of ((receipt of the information by the operator from the department)) the mailing of the notice of custody and sale as provided by RCW 46.55.110(2).

(b) The failure of the registered tow truck operator to comply with the time limits provided in this chapter limits the accumulation of storage charges to five days except where delay is unavoidable. Providing incorrect or incomplete identifying information to the department in the abandoned vehicle report shall be considered a failure to comply with these time limits if correct information is available.

Sec. 12. Section 14, chapter 377, Laws of 1985 as amended by section 14, chapter 311, Laws of 1987 and RCW 46.55.140 are each amended to read as follows:

(1) A registered tow truck operator who has a valid and signed impoundment authorization has a lien upon the impounded vehicle for services provided in the towing and storage of the vehicle, unless the impoundment is determined to have been invalid. The lien does not apply to personal property in or upon the vehicle that is not permanently attached to or is not an integral part of the vehicle. The registered tow truck operator also has a deficiency claim against the registered owner of the vehicle for services provided in the towing and storage of the vehicle not to exceed the sum of three hundred dollars less the amount bid at auction, and for vehicles of over ten thousand pounds gross vehicle weight, the operator has a deficiency claim of one thousand dollars less the amount bid at auction, unless the impound is determined to be invalid. In no case may the cost of the auction or a buyer's fee be added to the amount charged for the vehicle at the auction, the vehicle's lien, or the overage due. A registered owner who has completed and filed with the department the seller's report as provided for by RCW 46.12.101 is relieved of liability under this section.

(2) Any person who tows, removes, or otherwise disturbs any vehicle parked, stalled, or otherwise left on privately owned or controlled property, and any person owning or controlling the private property, or either of them, are liable to the owner or operator of a vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of the vehicle which does not comply with the requirements of this chapter.

Sec. 13. Section 15, chapter 377, Laws of 1985 as amended by section 15, chapter 311, Laws of 1987 and RCW 46.55.150 are each amended to read as follows:

The registered tow truck operator shall keep a transaction file on each vehicle. The transaction file shall contain as a minimum those of the following items that are required at the time the vehicle is redeemed or becomes abandoned and is sold at a public auction:

- (1) A signed impoundment authorization as required by RCW 46.55.080;
- (2) A record of the twenty-four hour written impound notice to a law enforcement agency;
- (3) A copy of the impoundment notification to registered and legal owners, sent within twenty-four hours of impoundment, that advises the owners of the address of the impounding firm, a twenty-four hour telephone number, and the name of the person or agency under whose authority the vehicle was impounded;
- (4) A copy of the ~~((abandoned vehicle))~~ report on the legal and registered owners that was sent ((to and returned)) by the ((department)) law enforcement agency to the operator;
- (5) A copy and proof of mailing of the notice of custody and sale sent by the registered tow truck operator to the owners advising them they have fifteen days to redeem the vehicle before it is sold at public auction;
- (6) A copy of the published notice of public auction;
- (7) A copy of the affidavit of sale showing the sales date, purchaser, amount of the lien, and sale price;
- (8) A record of the two highest bid offers on the vehicle, with the names, addresses, and telephone numbers of the two bidders;
- (9) A copy of the notice of opportunity for hearing given to those who redeem vehicles;
- (10) An itemized invoice of charges against the vehicle.

The transaction file shall be kept for a minimum of three years.

Sec. 14. Section 18, chapter 377, Laws of 1985 as amended by section 742, chapter 330, Laws of 1987 and RCW 46.55.180 are each amended to read as follows:

The director or the chief of the state patrol may use a hearing officer or administrative law judge for presiding over a hearing regarding ((infractions by registered tow truck operators of)) licensing provisions under this chapter((~~chapter 46.37 RCW~~)) or rules adopted ((thereunder)) under it.

Sec. 15. Section 20, chapter 377, Laws of 1985 and RCW 46.55.200 are each amended to read as follows:

A registered tow truck operator's license may be denied, suspended, or revoked, or the licensee may be ordered to pay a monetary penalty of a civil nature, not to exceed one thousand dollars per violation, or the licensee may be subjected to any combination of license and monetary penalty, whenever the director has reason to believe the licensee has committed, or is at the time committing, a violation of this chapter or rules adopted under it or any other statute or rule relating to the title or disposition of vehicles or vehicle hulks, including but not limited to:

(1) Towing any abandoned vehicle without first obtaining and having in ((his)) the operator's possession at all times while transporting it, appropriate evidence of ownership or an impound authorization properly executed by the private person or public official having control over the property on which the unauthorized vehicle was found;

(2) Forging the signature of the registered or legal owner on a certificate of title, or forging the signature of any authorized person on documents pertaining to unauthorized or abandoned vehicles or automobile hulks;

(3) Failing to comply with the statutes and rules relating to the processing and sale of abandoned vehicles;

(4) Failing to accept bids on any abandoned vehicle offered at public sale;

(5) Failing to transmit to the state surplus funds derived from the sale of an abandoned vehicle;

(6) Selling, disposing of, or having in his possession, without notifying law enforcement officials, a vehicle that he knows or has reason to know has been stolen or illegally appropriated without the consent of the owner;

(7) Failing to comply with the statutes and rules relating to the transfer of ownership of vehicles or other procedures after public sale; or

(8) Failing to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after the assessment becomes final.

All orders by the director made under this chapter are subject to the Administrative Procedure Act, chapter ((34.04)) 34.05 RCW.

Sec. 16. Section 24, chapter 377, Laws of 1985 as amended by section 20, chapter 311, Laws of 1987 and RCW 46.55.240 are each amended to read as follows:

(1) A city, town, or county that adopts an ordinance or resolution concerning unauthorized, abandoned, or impounded vehicles shall include the applicable provisions of this chapter.

(a) A city, town, or county may, by ordinance, authorize other impound situations that may arise locally upon the public right-of-way or other publicly owned or controlled property.

(b) A city, town, or county ordinance shall contain language that establishes a written form of authorization to impound, which may include a law enforcement notice of infraction or citation, clearly denoting the agency's authorization to impound.

(c) A city, town, or county may, by ordinance, provide for release of an impounded vehicle by means of a promissory note in lieu of immediate payment, if at the time of redemption the legal or registered owner requests a hearing on the validity of the impoundment. If the municipal ordinance directs the release of an impounded vehicle before the payment of the impoundment charges, the municipality is responsible for the payment of those charges to the registered tow truck operator within thirty days of the hearing date.

((c)) (d) The hearing specified in RCW 46.55.120(2) and in this section may be conducted by an administrative hearing officer instead of in the district court. A decision made by an administrative hearing officer may be appealed to the district court for final judgment.

(2) A city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of unauthorized junk vehicles or parts thereof from private property. Costs of removal may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored.

(3) Ordinances pertaining to public nuisances shall contain:

(a) A provision requiring notice to the last registered owner of record and the property owner of record that a hearing may be requested and that if no hearing is requested, the vehicle will be removed;

(b) A provision requiring that if a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day

return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

(c) A provision that the ordinance shall not apply to (i) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (ii) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130;

(d) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner;

(e) A provision that after notice has been given of the intent of the city, town, or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a law enforcement officer with notice to the Washington state patrol and the department of licensing that the vehicle has been wrecked. The city, town, or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

(4) A registered disposer under contract to a city or county for the impounding of vehicles shall comply with any administrative regulations adopted by the city or county on the handling and disposing of vehicles.

NEW SECTION. Sec. 17. A new section is added to chapter 46.55 RCW to read as follows:

This chapter does not apply to the state department of transportation to the extent that it may remove vehicles that are traffic hazards from bridges and the mountain passes without prior authorization. If such a vehicle is removed, the department shall immediately notify the appropriate local law enforcement agency, and the vehicle shall be processed in accordance with RCW 46.55.110.

NEW SECTION. Sec. 18. Section 2, chapter 167, Laws of 1977 ex. sess., section 743, chapter 330, Laws of 1987 and RCW 46.61.563 are each repealed.

NEW SECTION. Sec. 19. RCW 46.61.567 is recodified as a new section in chapter 46.55 RCW."

In line 1 of the title, after "trucks;" strike the remainder of the title, and insert "amending RCW 46.55.020, 46.55.030, 46.55.040, 46.55.060, 46.55.080, 46.55.100, 46.55.110, 46.55.120, 46.55.130, 46.55.140, 46.55.150, 46.55.180, 46.55.200, and 46.55.240; reenacting and amending RCW 46.55.010; adding new sections to chapter 46.55 RCW; recodifying RCW 46.61.567; repealing RCW 46.61.563; and prescribing penalties."

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betrozoff, Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Passed to Committee on Rules for second reading.

March 27, 1989

ESSB 5441 Prime Sponsor, Committee on Transportation: Licensing commercial drivers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 26, after "notification" insert "or a bilateral or multilateral agreement is entered into between the state of Washington and any Canadian province implementing essentially the same standards of regulation and penalties of all parties as encompassed in this chapter"

On page 6, line 5, after "within" insert "one hundred"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betrozoff, Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Passed to Committee on Rules for second reading.

March 29, 1989

SSB 5450 Prime Sponsor, Committee on Education: Providing for education in Pacific Rim languages. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that it is important to the economic future of Washington state to increase the number of students studying Pacific Rim languages. The legislature intends to increase the number of students studying Pacific Rim languages by four hundred percent in the next twelve years.

NEW SECTION, Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Conditional scholarship' means a loan that is forgiven in whole or in part if the recipient renders service as a teacher in the public schools of this state.

(2) 'Institution of higher education' or 'institution' means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(3) 'Board' means the higher education coordinating board.

(4) 'Eligible student' means a student who is registered for at least ten credit hours or the equivalent, is proficient in a Pacific Rim language, is a resident student as defined by RCW 28B.15.012 through 28B.15.015, and has a declared intention to complete an approved preparation program leading to initial teacher certification or required for earning an additional endorsement, or a college or university graduate who meets the same credit hour requirements and is seeking an additional teaching endorsement or initial teacher certification.

(5) 'Pacific Rim language' includes but is not limited to Mandarin Chinese, Japanese, Korean, Russian, Thai, and Spanish.

(6) 'Public school' means an elementary school, a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(7) 'Forgiven' or 'to forgive' or 'forgiveness' means to render service as a teacher at a public school in the state of Washington in lieu of monetary repayment.

(8) 'Satisfied' means paid-in-full.

(9) 'Participant' means an eligible student who has received a conditional scholarship under this chapter.

(10) 'Proficient' means expert in speaking and writing a language.

NEW SECTION, Sec. 3. The Pacific Rim language teachers conditional scholarship program is established. The program shall be administered by the higher education coordinating board. In administering the program, the board shall have the following powers and duties:

(1) Select students to receive conditional scholarships, with the assistance of a screening committee composed of teachers and leaders in government, business, and education;

(2) Adopt necessary rules and guidelines;

(3) Publicize the program;

(4) Collect and manage repayments from students who do not meet their teaching obligations under this chapter; and

(5) Solicit and accept grants and donations from public and private sources for the program.

NEW SECTION, Sec. 4. The higher education coordinating board shall establish a planning committee to develop criteria for the screening and selection of recipients of the conditional scholarships. These criteria shall emphasize the student's proficiency in a Pacific Rim language and expressed intention to teach that language. These criteria shall also include a provision giving a priority to students intending to teach a language that is not widely taught in the public schools of the state.

NEW SECTION, Sec. 5. The board may award conditional scholarships to eligible students from the funds appropriated to the board for this purpose, or from any private donations, or any other funds given to the board for this program. The amount of the conditional scholarship awarded an individual shall not exceed three thousand dollars per academic year. Students are eligible to receive conditional scholarships for a maximum of five years. No more than one-third of the conditional scholarships awarded or renewed in any academic year shall be awarded or renewed to students intending to teach any one language.

NEW SECTION, Sec. 6. (1) Participants in the conditional scholarship program incur an obligation with the higher education coordinating board to repay the conditional scholarship by teaching for ten years in the public schools of the state of Washington or by repaying the conditional scholarship, with interest, within a ten-year period, under rules adopted by the board.

(2) The terms of the ten-year repayment period, including deferral of the interest, shall be consistent with the terms of the federal guaranteed loan program.

(3) The ten-year repayment period, with payments accruing monthly or quarterly as determined by the board, shall commence nine months from the date the participant completes or discontinues the course of study.

(4) Should the participant cease to teach at a public school in this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

(5) The board is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary, and shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency. The board is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited with the higher education coordinating board and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records, and making collections under subsection (5) of this section. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

Sec. 7. Section 28A.70.005, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 97, Laws of 1988 and by section 3, chapter 172, Laws of 1988 and RCW 28A.70.005 are each reenacted and amended to read as follows:

(1) The state board of education shall establish, publish, and enforce rules and regulations determining eligibility for and certification of personnel employed in the common schools of this state, including certification for emergency or temporary, substitute or provisional duty and under such certificates or permits as the board shall deem proper or as otherwise prescribed by law.

(2) Not later than July 31, 1989, the state board shall adopt or amend rules relating to persons who apply for a consultant special certificate, as defined under state board rules, to teach a foreign language, pursuant to section 2(5) of this act. Except for applicants who are applying for certificates which restrict the holder of the certificate to the teaching of students who are sixteen years of age or older, the rules shall require that the initial application for certification shall require a background check of the applicant through the Washington state patrol criminal identification system at the applicant's expense.

(3) In establishing rules pertaining to the qualifications of instructors of sign language the state board shall consult with the national association of the deaf, 'sign instructors guidance network' (s.i.g.n.), and the Washington state association of the deaf for evaluation and certification of sign language instructors.

(4) The superintendent of public instruction shall act as the administrator of any such rules and regulations and have the power to issue any certificates or permits and revoke the same in accordance with board rules and regulations.

NEW SECTION. Sec. 8. A new section is added to chapter 28A.03 RCW to read as follows:

The superintendent of public instruction shall encourage school districts to establish exchange programs for teachers with schools in Pacific Rim nations.

NEW SECTION. Sec. 9. Sections 1 through 6 of this act are each added to chapter 28B.80 RCW.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "languages;" strike the remainder of the title and insert "reenacting and amending RCW 28A.70.005; adding a new section to chapter 28A.03 RCW; adding new sections to chapter 28B.80 RCW; and declaring an emergency."

Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Inslee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Absent: Representative Inslee.

Referred to Committee on Appropriations.

March 27, 1989

ESSB 5472 Prime Sponsor, Committee on Transportation: Establishing vessel dealer exemptions to chapter 88.02 RCW. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:
On page 4, after line 2, insert the following:

*Sec. 3. Section 22, chapter 7, Laws of 1983 as last amended by section 13, chapter 149, Laws of 1987 and RCW 88.02.110 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a violation of this chapter, RCW 43.51.400, and the rules adopted by the department and the state parks and recreation commission pursuant to these statutes is a misdemeanor punishable only by a fine not to exceed one hundred dollars per vessel for the first violation. Subsequent violations in the same year are subject to the following fines:

(a) For the second violation, a fine of two hundred dollars per vessel;

(b) For the third and successive violations, a fine of four hundred dollars per vessel.

(2) ~~((After subtraction of court costs and administrative collection fees, moneys collected under this section shall be credited to the current expense fund of the arresting jurisdiction.~~

(3) All law enforcement officers shall have the authority to enforce this chapter, RCW 43.51.400, and the rules adopted by the department and the state parks and recreation commission pursuant to these statutes within their respective jurisdictions: PROVIDED, That a city, town, or county may contract with a fire protection district for such enforcement and fire protection districts are authorized to engage in such activities."

In line 2 of the title, after "88.02.060" insert "and 88.02.110"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cantwell, Cooper, Day, G. Fisher, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Voting nay: Representatives Heavey and Kremen.

Passed to Committee on Rules for second reading.

March 28, 1989

SSB 5486 Prime Sponsor, Committee on Economic Development & Labor: Revising provisions for real estate brokers and salespersons. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Passed to Committee on Rules for second reading.

March 30, 1989

SB 5489 Prime Sponsor, Senator McCaslin: Clarifying the filing requirements of short subdivision surveys. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representative Cooper, Vice Chair.

Passed to Committee on Rules for second reading.

March 28, 1989

SB 5492 Prime Sponsor, Senator Nelson: Establishing immunity for health care providers in suits brought by a parent. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 8, after "based" insert "only"

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representative Locke.

Passed to Committee on Rules for second reading.

March 28, 1989

SSB 5506 Prime Sponsor, Committee on Ways & Means: Making appropriations for projects recommended by the public works board. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: Do pass with the following amendments.

On page 1, line 6 beginning with "there" strike all material through "projects:" on line 9 and insert "the following public works projects are approved for loans for the biennium ending June 30, 1989, and are eligible for appropriation by the legislature."

On page 5, line 25 beginning with "Total" strike all material through "35,910,257" on page 6, line 6

Renumber remaining sections consecutively and correct internal references accordingly.

On page 1, line 2 of the title following "board;" strike remainder of title and insert "creating a new section; and declaring an emergency."

Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Beck, Betzoff, Bowman, Fraser, Jacobsen, Peery, Wang and Winsley.

Absent: Representatives Braddock and Bristow.

Passed to Committee on Rules for second reading.

March 30, 1989

ESB 5519 Prime Sponsor, Senator Rinehart: Regarding collaborative projects between higher education institutions, schools, and school districts. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Insee, Jesernig, H. Myers, Prince, Rector and Wood.

Absent: Representatives Basich, Doty, Jesernig and Miller.

Referred to Committee on Appropriations.

March 29, 1989

ESSB 5522 Prime Sponsor, Committee on Education: Permitting on-site day care for education employees. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 19, after "conditions;" strike "or (3) infants" and insert "(3) infants; or (4) children requiring evening care"

Signed by Representatives Peery, Chair; Brumsickle, Cole, Dorn, Jones, P. King, Phillips, Rasmussen, Rayburn, Valle, Walker and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Betzoff, Ranking Republican Member; Fuhrman and Horn.

Absent: Representatives G. Fisher, Vice Chair; Holland, Pruitt and Schoon.

Referred to Committee on Appropriations.

March 28, 1989

SSB 5560 Prime Sponsor, Committee on Financial Institutions & Insurance: Providing for insurance coverage for temporomandibular joint disorders. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The legislature finds that:

(1) Temporomandibular joint disorders are conditions for which treatment often is not covered in medical and dental group insurance contracts;

(2) Individuals with temporomandibular joint disorders experience substantial pain and financial hardship;

(3) Public awareness is needed concerning temporomandibular joint disorders and would be promoted by a mandated offering of temporomandibular joint disorders coverage to group purchasers; and

(4) A mandated offering of temporomandibular joint disorders coverage shall not prescribe minimum initial benefits so that the insurers and the purchasers are allowed broad flexibility in benefit design and application.

NEW SECTION, Sec. 2. A new section is added to chapter 48.21 RCW to read as follows:

(1) Except as provided in this section, a group disability policy entered into or renewed after December 31, 1989, shall offer optional coverage for the treatment of temporomandibular joint disorders.

(a) Insurers offering medical coverage only may limit benefits in such coverages to medical services related to treatment of temporomandibular joint disorders. Insurers offering dental coverage only may limit benefits in such coverage to dental services related to treatment of temporomandibular joint disorders. No insurer offering medical coverage only may define all temporomandibular joint disorders as purely dental in nature, and no insurer offering dental coverage only may define all temporomandibular joint disorders as purely medical in nature.

(b) Insurers offering optional temporomandibular joint disorder coverage as provided in this section may, but are not required to, offer lesser or no temporomandibular joint disorder coverage as part of their basic group disability contract.

(c) Benefits and coverage offered under this section may be subject to negotiation to promote broad flexibility in potential benefit coverage. This flexibility shall apply to services to be reimbursed, determination of treatments to be considered medically necessary, systems through which services are to be provided, including referral systems and use of other providers, and related issues.

(2) Unless otherwise directed by law, the insurance commissioner shall adopt rules, to be implemented on January 1, 1993, establishing minimum benefits, terms, definitions, conditions, limitations, and provisions for the use of reasonable deductibles and copayments.

(3) An insurer need not make the offer of coverage required by this section to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefit statutes under Title 48 RCW that does not provide coverage for temporomandibular joint disorders.

NEW SECTION, Sec. 3. A new section is added to chapter 48.44 RCW to read as follows:

(1) Except as provided in this section, a group health care service contract entered into or renewed after December 31, 1989, shall offer optional coverage for the treatment of temporomandibular joint disorders.

(a) Health care service contractors offering medical coverage only may limit benefits in such coverages to medical services related to treatment of temporomandibular joint disorders. Health care service contractors offering dental coverage only may limit benefits in such coverage to dental services related to treatment of temporomandibular joint disorders. No health care service contractor offering medical coverage only may define all temporomandibular joint disorders as purely dental in nature, and no health care service contractor offering dental coverage only may define all temporomandibular joint disorders as purely medical in nature.

(b) Health care contractors offering optional temporomandibular joint disorder coverage as provided in this section may, but are not required to, offer lesser or no temporomandibular joint disorder coverage as part of their basic group disability contract.

(c) Benefits and coverage offered under this section may be subject to negotiation to promote broad flexibility in potential benefit coverage. This flexibility shall apply to services to be reimbursed, determination of treatments to be considered medically necessary, systems through which services are to be provided, including referral systems and use of other providers, and related issues.

(2) Unless otherwise directed by law, the insurance commissioner shall adopt rules, to be implemented on January 1, 1993, establishing minimum benefits, terms, definitions, conditions, limitations, and provisions for the use of reasonable deductibles and copayments.

(3) A contractor need not make the offer of coverage required by this section to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefit statutes under Title 48 RCW that does not provide coverage for temporomandibular joint disorders.

NEW SECTION, Sec. 4. A new section is added to chapter 48.46 RCW to read as follows:

(1) Except as provided in this section, a health maintenance agreement entered into or renewed after December 31, 1989, shall offer optional coverage for the treatment of temporomandibular joint disorders.

(a) Health maintenance organizations offering medical coverage only may limit benefits in such coverages to medical services related to treatment of temporomandibular joint disorders. No health maintenance organizations offering medical and dental coverage may limit benefits in such coverage to dental services related to treatment of temporomandibular joint disorders. No health maintenance organization offering medical coverage only may define all temporomandibular joint disorders as purely dental in nature.

(b) Health maintenance organizations offering optional temporomandibular joint disorder coverage as provided in this section may, but are not required to, offer lesser or no temporomandibular joint disorder coverage as part of their basic group disability contract.

(c) Benefits and coverage offered under this section may be subject to negotiation to promote broad flexibility in potential benefit coverage. This flexibility shall apply to services to be reimbursed, determination of treatments to be considered medically necessary, systems

through which services are to be provided, including referral systems and use of other providers, and related issues.

(2) Unless otherwise directed by law, the insurance commissioner shall adopt rules, to be implemented on January 1, 1993, establishing minimum benefits, terms, definitions, conditions, limitations, and provisions for the use of reasonable deductibles and copayments.

(3) A health maintenance organization need not make the offer of coverage required by this section to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefit statutes under Title 48 RCW that does not provide coverage for temporomandibular joint disorders.

NEW SECTION, Sec. 5. (1) Not later than eighteen months after the effective date of this act, the insurance commissioner shall report to the legislature findings regarding the availability, cost, use, and nature of benefits for temporomandibular joint disorders coverage offered under sections 2, 3, and 4 of this act. Upon request, insurers, health care service contractors, and health maintenance organizations shall furnish such data and any other nonproprietary information the commissioner requires to facilitate the development of the report.

(2) If the commissioner finds in preparation of the report that group disability insurers, health care contractors, and health maintenance organizations have not offered meaningful and reasonably priced temporomandibular joint coverage pursuant to this act, the commissioner shall include legislative recommendations to resolve these problems in the report. Such recommendations should include an analysis of mandating temporomandibular joint coverage.

(3) The commissioner shall consult with a panel of experts acting as an advisory committee for the preparation of any rules adopted pursuant to this act. This panel of experts shall provide continued assistance to the commissioner in any ongoing revisions of such rules. Members of this panel shall include health care professionals, both medical and dental, specializing in the treatment of temporomandibular dysfunctions; an employer purchasing a group policy; and a representative of the insurers, health care contractors, or health maintenance organizations.

NEW SECTION, Sec. 6. This act shall take effect January 1, 1990, but the insurance commissioner may immediately take such steps as are necessary to ensure that this act is fully implemented on its effective date."

In line 1 of the title, after "insurance;" strike the remainder of the title and insert "adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; creating new sections; and providing an effective date."

Signed by Representatives Dellwo, Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Crane, Day, Dorn, Inslee, P. King, Nutley, K. Wilson and Winsley.

Absent: Representative Zellinsky, Vice Chair.

Passed to Committee on Rules for second reading.

March 28, 1989

SB 5592 Prime Sponsor, Senator Patterson: Limiting liability for damages to facilities on state highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Betzoff, Cantwell, Day, G. Fisher, R. Fisher, Hankins, Haugen, Heavey, Nelson, Prentice, Smith, D. Sommers, Todd, Walker and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Cooper and R. Meyers.

Voting nay: Representative R. Meyers.

Absent: Representatives Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Cooper, Gallagher, Jones, Kremen, Nelson, Patrick, Prince, Todd, Walker and Zellinsky.

Passed to Committee on Rules for second reading.

March 29, 1989

SB 5595 Prime Sponsor, Senator Nelson: Allowing distribution of drug samples. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Brooks, Ranking Republican Member; Chandler, Morris, Prentice, D. Sommers, Sprenkle, Vekich and Wolfe.

Absent: Representatives Cantwell and Day.

Passed to Committee on Rules for second reading.

March 29, 1989

SB 5615 Prime Sponsor, Senator Bailey: Changing provisions relating to early entrance programs at the University of Washington. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Inslee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

Absent: Representative Inslee.

Referred to Committee on Appropriations.

March 29, 1989

SB 5617 Prime Sponsor, Senator Fleming: Encouraging entering teaching as part of the mathematics, engineering, and science achievement program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Fraser, Heavey, Inslee, Jesernig, Miller, H. Myers, Prince, Rector and Wood.

MINORITY recommendation: Without recommendation. Signed by Representative Doty.

Absent: Representative Inslee.

Passed to Committee on Rules for second reading.

March 28, 1989

SSB 5641 Prime Sponsor, Committee on Financial Institutions & Insurance: Setting service charge limits on vessel retail installment contracts. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Crane, Day, Dorn, Inslee, P. King, Nutley, Schmidt, K. Wilson and Winsley.

Absent: Representative Zellinsky, Vice Chair.

Passed to Committee on Rules for second reading.

March 28, 1989

SSB 5651 Prime Sponsor, Committee on Ways & Means: Continuing the homicide information and tracking system. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 10 strike "at" and insert "currently in"

On page 1, line 15 after "(HITS)," insert "which is currently"

On page 1, line 20 after "continuing" insert "the development of"

On page 2, line 2 after "to" insert "develop and"

On page 2, line 16 after "analysis" insert "The report shall also include a plan for the efficient transfer after June 30, 1991 of the homicide information and tracking system from the attorney general to the Washington state patrol."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, P. King, R. Meyers, Moyer, H. Myers, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Hargrove, Locke and Patrick.

Referred to Committee on Appropriations.

March 28, 1989

SB 5679 Prime Sponsor, Senator von Reichbauer: Revising provisions for industrial insurance funds. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Absent: Representatives Cole, Vice Chair; Jones, R. King and O'Brien.

Passed to Committee on Rules for second reading.

March 28, 1989

SB 5685 Prime Sponsor, Senator Newhouse: Revising provisions for attorneys' fees in industrial insurance appeals. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Absent: Representatives R. King and O'Brien.

Passed to Committee on Rules for second reading.

March 28, 1989

SSB 5688 Prime Sponsor, Committee on Environment & Natural Resources: Allowing disabled persons to use power fishing reels. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 7, after "persons" insert "who possess a disability permit issued"

On page 1, line 11, after "(a)" strike everything through and including "hands" on line 16 and insert "Suffers from a permanent impairment of the use of arms, hands, or legs such that the person cannot operate a conventional hand-operated fishing reel"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 1, line 23, after "(3)" strike everything through and including "section" on line 24, and insert "An application for a physical disability permit must be submitted on a department of fisheries official form and must be accompanied by a licensed medical doctor's certification of disability"

On page 1, after line 24, strike everything through and including "section." on page 2, line 17

On page 1, line 1 of the title, after "reels;" insert "and"

On page 1, line 2 of the title, after "75.25 RCW" strike the remainder of the title and insert "."

Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Haugen, Smith, Spanel and Vekich.

Passed to Committee on Rules for second reading.

March 28, 1989

ESB 5689 Prime Sponsor, Senator von Reichbauer: Regulating industrial insurance premium investments. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Absent: Representatives Cole, Vice Chair; R. King and O'Brien.

Passed to Committee on Rules for second reading.

March 28, 1989

SB 5700 Prime Sponsor, Senator von Reichbauer: Cleaning up provisions of Title 30 RCW. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Chandler, Ranking Republican Member, Anderson, Baugher, Beck, Crane, Day, Dorn, Inslee, P. King, Nutley, Schmidt, K. Wilson and Winsley.

Absent: Representatives Zellinsky, Vice Chair; and Crane.

Passed to Committee on Rules for second reading.

March 28, 1989

SB 5701 Prime Sponsor, Senator von Reichbauer: Regulating financial institutions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Crane, Day, Dorn, Inslee, P. King, Nutley, Schmidt, K. Wilson and Winsley.

Absent: Representative Zellinsky, Vice Chair.

Passed to Committee on Rules for second reading.

March 29, 1989

ESB 5715 Prime Sponsor, Senator Newhouse: Regulating the business of immigration consulting. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds and declares that assisting persons regarding immigration matters substantially affects the public interest. The practices of immigration assistants have a significant impact on the residents of the state of Washington. It is the intent of the legislature to establish rules of practice and conduct for immigration assistants to promote honesty and fair dealing with residents and to preserve public confidence.

NEW SECTION, Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Immigration assistant' means every person who, for compensation or the expectation of compensation, gives nonlegal assistance on an immigration matter. That assistance is limited to:

(a) Transcribing responses to a government agency form selected by the customer which is related to an immigration matter, but does not include advising a person as to his or her answers on those forms;

(b) Translating a person's answer to questions posed on those forms;

(c) Securing for a person supporting documents currently in existence, such as birth and marriage certificates, which may be needed to submit with those forms;

(d) Making referrals to attorneys who could undertake legal representation for a person in an immigration matter.

(2) 'Immigration matter' means any proceeding, filing, or action affecting the nonimmigrant, immigrant, or citizenship status of any person which arises under immigration and naturalization law, executive order, or presidential proclamation, or which arises under action of the United States immigration and naturalization service, the United States department of labor, or the United States department of state.

(3) 'Compensation' means money, property, or anything else of value.

NEW SECTION, Sec. 3. The following persons are exempt from all provisions of this chapter:

(1) An attorney licensed to practice law in this state where such attorney renders services in the course of his or her practice as an attorney and a legal intern, as described by court rule, or paralegal employed by and under the direct supervision of such an attorney;

(2) A nonprofit corporation or clinic affiliated with a law school in this state that provides immigration consulting services to clients without charge beyond a request for reimbursement of the corporation's or clinic's reasonable costs relating to providing immigration services to that client. 'Reasonable costs' include, but are not limited to, the costs of photocopying, telephone calls, document requests, and the filing fees for immigration forms.

NEW SECTION, Sec. 4. Any person who wishes to engage in the business of an immigration assistant must register with the secretary of state's office and provide his or her name, business address, home address, and business and home telephone numbers.

NEW SECTION, Sec. 5. Immigration assistants who have registered must inform the secretary of state of any changes in their name, addresses, or telephone numbers within thirty days of the change.

NEW SECTION, Sec. 6. Immigration assistants shall offer or provide only nonlegal assistance in an immigration matter as defined in section 2 of this act.

NEW SECTION, Sec. 7. (1) Before providing any assistance, an immigration assistant who has agreed to provide immigration assistance to a customer shall provide the customer with a written contract that includes the following provisions:

(a) An explanation of the services to be performed;

(b) Identification of all compensation and costs to be charged to the customer for the services to be performed;

(c) A statement that documents submitted in support of an application for nonimmigrant, immigrant, or naturalization status may not be retained by the assistant for any purpose, including payment of compensation or costs;

(d) A statement that the immigration assistant is not an attorney and may not perform legal services. This statement shall be on the face of the contract in ten-point bold type print; and

(e) A statement that the customer has seventy-two hours to rescind the contract. This statement shall be conspicuously set forth in the contract.

(2) The written contract shall be stated in both English and in the language of the customer.

(3) A copy of the written contract shall be provided to the customer by the immigration assistant upon execution of the contract.

(4) A customer has the right to rescind a contract within seventy-two hours of the signing of the contract.

(5) Any documents identified in subsection (1)(c) of this section shall be returned upon demand of the customer.

NEW SECTION, Sec. 8. In the course of dealing with customers or prospective customers, an immigration assistant shall not:

(1) Make any statement that the immigration assistant can or will obtain special favors from or has special influence with the United States immigration and naturalization service;

(2) Retain any compensation for services not performed;

(3) Refuse to return documents supplied by, prepared by, or paid for by the customer upon the request of the customer. These documents must be returned upon request even if there is a fee dispute between the immigration assistant and the customer;

(4) Represent or advertise, in connection with the provision of immigration assistance, other titles or credentials, including but not limited to 'notary public' or 'immigration consultant' that could cause a customer to believe that the immigration assistant possesses special professional skills;

(5) Communicate in any manner, oral or written, that registration under this chapter is an indicator of special skill or expertise or that it allows the person to provide advice on an immigration matter;

(6) Give any legal advice concerning an immigration matter.

NEW SECTION, Sec. 9. The legislature finds and declares that any violation of this chapter substantially affects the public interest and is an unfair and deceptive act or practice and unfair method of competition in the conduct of trade or commerce as set forth in RCW 19.86.020.

NEW SECTION, Sec. 10. A violation of this chapter shall be punished as a gross misdemeanor according to chapter 9A.20 RCW.

NEW SECTION, Sec. 11. This chapter shall be known and cited as the 'immigration assistant practices act.'

NEW SECTION, Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 19 RCW.

Sec. 13. Section 14, chapter 94, Laws of 1933 and RCW 2.48.180 are each amended to read as follows:

Any person who, not being an active member of the state bar, or who after he has been disbarred or while suspended from membership in the state bar, as by this chapter provided, shall practice law, or hold himself out as entitled to practice law, shall, except as provided in section 10 of this 1989 act, be guilty of a misdemeanor: PROVIDED, HOWEVER, Nothing herein contained shall be held to in any way affect the power of the courts to grant injunctive relief or to punish as for contempt.

NEW SECTION, Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

On page 1, line 1 of the title, after "assistants;" strike the remainder of the title and insert "amending RCW 2.48.180; adding a new chapter to Title 19 RCW; prescribing penalties; providing an effective date; and declaring an emergency."

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Absent: Representatives Jones and R. King.

Passed to Committee on Rules for second reading.

March 29, 1989

SB 5737 Prime Sponsor, Senator Bailey: Providing for annual leave for employees of educational service districts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; Betrozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Horn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Valle, Walker and K. Wilson.

Absent: Representatives G. Fisher, Vice Chair; Holland, P. King and Schoon.

Passed to Committee on Rules for second reading.

March 29, 1989

SB 5738 Prime Sponsor, Senator Bailey: Changing requirements of student motivation, retention, and retrieval program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; Betrozoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Horn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Valle, Walker and K. Wilson.

Absent: Representatives G. Fisher, Vice Chair; Holland, P. King, Pruitt and Schoon.

Passed to Committee on Rules for second reading.

March 28, 1989

SSB 5746 Prime Sponsor, Committee on Transportation: Exempting interstate truck drivers from overtime wage requirements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 26, after "truck" insert "or bus"

On page 1, line 29, after "truck" insert "or bus"

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Passed to Committee on Rules for second reading.

March 28, 1989

ESB 5756 Prime Sponsor, Senator McCaslin: Changing provisions relating to sureties for public works bonds. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Beck, Betrozoff, Bowman, Fraser, Jacobsen, Peery, Wang and Winsley.

Absent: Representatives Braddock and Bristow.

Passed to Committee on Rules for second reading.

March 29, 1989

SSB 5772 Prime Sponsor, Committee on Health Care & Corrections: Regarding out-of-state pharmacies. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. (1) The legislature finds and declares that the practice of pharmacy is a dynamic, patient-oriented health service that applies a scientific body of knowledge to improve and promote patient health by means of appropriate drug use and drug related therapy.

(2) The legislature recognizes that with the proliferation of alternate methods of health delivery, there has arisen among third-party payers and insurance companies the desire to control the cost and utilization of pharmacy services through a variety of mechanisms, including the use of mail order pharmacies located outside the state of Washington.

(3) As a result, the legislature finds and declares that to continue to protect the Washington consumer-patient, all out-of-state pharmacies that provide service to Washington residents shall be registered with the board, disclose specific information about their services, and provide pharmacy services at a high level of protection and competence.

NEW SECTION, Sec. 2. (1) Any pharmacy located outside this state that ships, mail, or delivers, in any manner, controlled substances, legend drugs, or devices into this state is a nonresident pharmacy, shall be registered with the board, and shall disclose to the board the following:

(a) The location, names, and titles of all principal corporate officers and all pharmacists employed by the pharmacy who are dispensing controlled substances, legend drugs, or devices to residents of this state. A report containing this information shall be made on an annual basis and within thirty days after any change of location, corporate officer, or pharmacist:

(b) That it complies with all lawful directions and requests for information from the regulatory or licensing agency of the state in which it is licensed as well as with all requests for information made by the board under this section. The nonresident pharmacy shall maintain, at all times, a valid unexpired license, permit, or registration to operate the pharmacy in compliance with the laws of the state in which it is a resident. As a prerequisite to registering with the board, the nonresident pharmacy shall submit a copy of the most recent inspection report issued by the regulatory licensing agency of the state in which it is located;

(c) That it maintains its records of controlled substances, legend drugs, or devices dispensed to patients in this state so that the records are readily retrievable from the records of other drugs dispensed.

(2) Any pharmacy subject to this section shall, during its regular hours of operation, but not less than six days per week, and for a minimum of forty hours per week, provide a toll-free telephone service to facilitate communication between patients in this state and a pharmacist at the pharmacy who has access to the patient's records. This toll-free number shall be disclosed on the label affixed to each container of drugs dispensed to patients in this state.

(3) A pharmacy subject to this section shall comply with board rules regarding the maintenance and use of patient medication record systems and the provision of drug utilization information to the patient.

(4) The registration fee specified by the board shall not exceed the fee charged to a pharmacy located in this state.

(5) The registration requirements of this section apply to nonresident pharmacies that ship, mail, or deliver controlled substances, legend drugs, and devices into this state only pursuant to a prescription.

NEW SECTION, Sec. 3. (1) A pharmacy doing business in this state that has not obtained a registration from the board and sells or distributes drugs in this state through (a) any person or media other than a wholesaler who has a certificate, license, permit, or registration under the provisions of this chapter, or (b) through a selling or distribution outlet licensed as a wholesaler under the provisions of this chapter, shall not conduct the business of selling or distributing drugs in this state without registering as a nonresident pharmacy.

(2) Applications for an out-of-state drug distributor's license or a nonresident pharmacy registration under this section shall be made on a form furnished by the board. The board may require such information as the board deems is reasonably necessary to carry out the purpose of this section.

(3) The nonresident pharmacy registration shall be renewed annually on a date to be established by the board by rule.

NEW SECTION, Sec. 4. A nonresident pharmacy shall:

(1) Submit to the board, upon request, information acceptable to the board concerning controlled substances shipped, mailed, or delivered to a Washington resident.

(2) Submit to on-site inspection by the board of the nonresident pharmacy's prescription records if the information in subsection (1) cannot be provided to the board.

NEW SECTION, Sec. 5. (1) The board may deny, revoke, or suspend a nonresident pharmacy registration for failure to comply with any requirement of this act.

(2) The board may deny, revoke, or suspend a nonresident pharmacy registration for conduct which causes serious bodily or psychological injury to a resident of this state if the board has referred the matter to the regulatory or licensing agency in the state in which the pharmacy is located and that regulatory or licensing agency fails to initiate an investigation within forty-five days of the referrals under this subsection or any action taken thereon.

NEW SECTION, Sec. 6. It is unlawful for:

(1) Any nonresident pharmacy that is not registered under section 2 of this act to advertise its services in this state; or

(2) Any resident of this state to advertise the pharmaceutical services of a nonresident pharmacy that has not registered with the board, with the knowledge that the nonresident pharmacy is not registered with the board and that the advertisement will or is likely to induce persons in this state to use the pharmacy to fill prescriptions.

NEW SECTION, Sec. 7. A new section is added to chapter 48.20 RCW to read as follows:

After January 1, 1990, any insurance contractor providing coverage of prescription drugs from out-of-state pharmacies, shall submit the name and location of that pharmacy in writing to the board so the board may determine whether the pharmacy is registered in this state.

Those contractors providing coverage of prescription drugs from out-of-state pharmacies before January 1, 1990, shall submit the required information to the board within six months of the effective date of this act and cease providing such coverage if the board determines that the pharmacy does not meet the requirements of this section and sections 1 through 6 of this act.

NEW SECTION, Sec. 8. A new section is added to chapter 48.21 RCW to read as follows:

After January 1, 1990, any insurance contractor providing coverage of prescription drugs from out-of-state pharmacies, shall submit the name and location of that pharmacy in writing to the board so the board may determine whether the pharmacy is registered in this state.

Those contractors providing coverage of prescription drugs from out-of-state pharmacies before January 1, 1990, shall submit the required information to the board within six months of the effective date of this act and cease providing such coverage if the board determines that the pharmacy does not meet the requirements of this section and sections 1 through 6 of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 48.44 RCW to read as follows:

After January 1, 1990, any health care service contractor providing coverage of prescription drugs from out-of-state pharmacies, shall submit the name and location of that pharmacy in writing to the board.

Those contractors providing coverage of prescription drugs from out-of-state pharmacies before January 1, 1990, shall submit the required information to the board within six months of the effective date of this act and cease providing such coverage if the board determines that the pharmacy does not meet the requirements of this section and sections 1 through 6 of this act.

NEW SECTION. Sec. 10. Sections 1 through 6 of this act are each added to chapter 18.64 RCW.

NEW SECTION. Sec. 11. A new section is added to chapter 48.46 RCW to read as follows:

After January 1, 1990, any health maintenance organization providing coverage of prescription drugs from out-of-state pharmacies, shall submit the name and location of that pharmacy in writing to the board.

Those organizations providing coverage of prescription drugs from out-of-state pharmacies before January 1, 1990, shall submit the required information to the board within six months of the effective date of this act and cease providing such coverage if the board determines that the pharmacy does not meet the requirements of this section and sections 1 through 6 of this act.

NEW SECTION. Sec. 12. The board is authorized to promulgate rules to implement the provisions of this act, consistent with state law."

On page 1, line 1 of the title, after "pharmacies;" strike the remainder of the title and insert "adding new sections to chapter 18.64 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and creating a new section."

Signed by Representatives Braddock, Chair; Brooks, Ranking Republican Member; Chandler, Morris, Prentice, D. Sommers, Sprenkle, Vekich and Wolfe.

Absent: Representatives Cantwell and Day.

Passed to Committee on Rules for second reading.

March 29, 1989

SSB 5782 Prime Sponsor, Committee on Energy & Utilities: Establishing criminal penalties for defrauding a public utility. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Insee, P. King, Locke, Moyer, H. Myers, Patrick, Scott, D. Sommers and Tate.

Voting nay: Representative Hargrove.

Absent: Representatives Brough, Locke and Schmidt.

Passed to Committee on Rules for second reading.

March 28, 1989

SSB 5786 Prime Sponsor, Committee on Environment & Natural Resources: Relocating certain harbor lines. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Fuhrman, Hargrove and Sayan.

Absent: Representatives Belcher, Chair; and Raiter.

Passed to Committee on Rules for second reading.

March 28, 1989

SSB 5790

Prime Sponsor, Committee on Financial Institutions & Insurance: Regulating the sale of loan servicing. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The ability of individuals to obtain information relating to their residential mortgage loans is vital to the financial needs of mortgagors in Washington. The public interest is adversely affected when a residential mortgage loan's servicing is sold or transferred with insufficient notification given to the mortgagor. In addition, mortgagors may experience difficulty in obtaining various mortgage loan information including information concerning mortgage loan prepayments, reserve accounts, and adjustments to monthly payments. The legislature finds that the legitimate interests of mortgagors and mortgage loan servicers are served if the disclosure of the potential sale of loan servicing is made to the mortgagor, reasonable notification of a residential mortgage loan servicing's sale is made, and continued mortgagor access to information regarding the mortgage loan is promoted.

NEW SECTION, Sec. 2. Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Lender' shall mean any person in the business of making a loan.

(2) 'Loan' shall mean any loan used to finance the acquisition of a one-to-four family owner occupied residence located in this state.

(3) 'Purchasing servicing agent' is any person who purchases, receives through transfer or assignment, or otherwise acquires the responsibility of the servicing for a loan.

(4) 'Person' shall include an individual, firm, association, partnership, business, trust, corporation, or any other legal entity whether resident or nonresident.

NEW SECTION, Sec. 3. (1) If the servicing for the loan is subject to sale, transfer, or assignment, a lender shall so disclose in writing at the time of or prior to loan closing and shall also disclose in the same writing that when such servicing is sold, transferred, or assigned, the purchasing servicing agent is required to provide notification to the mortgagor. If a lender, which has not provided the notice required by this subsection, consolidates with, merges with or is acquired by another institution, and thereafter loan servicing becomes subject to sale, transfer, or assignment, that institution shall within thirty days of such transaction make the disclosure in writing to the obligor primarily responsible for repaying each loan according to the records of the lender.

(2) If the servicing of a loan is sold, assigned, transferred, or otherwise acquired by another person, the purchasing servicing agent shall:

(a)(i) Issue corrected coupon or payment books, if used and necessary;

(ii) Provide notification to the mortgagor at least thirty days prior to the due date of the first payment to the purchasing servicing agent, of the name, address, and telephone number of the division from whom the mortgagor can receive information regarding the servicing of the loan; and

(iii) Inform the mortgagor of changes made regarding the servicing requirements including, but not limited to, interest rate, monthly payment amount, and escrow balance; and

(b) Respond within fifteen business days upon receipt of a written request for information from a mortgagor. A written response must include the telephone number of the company division who can assist the mortgagor.

(3) Any person injured by a violation of this chapter may bring an action for actual damages and reasonable attorneys' fees and costs incurred in bringing the action.

NEW SECTION, Sec. 4. Sections 1 through 3 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION, Sec. 5. This act shall take effect on January 1, 1990."

On page 1, line 1 of the title, after "loans;" strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; and providing an effective date."

Signed by Representatives Dellwo, Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Crane, Day, Dorn, Insee, P. King, Nutley, Schmidt, K. Wilson and Winsley.

Absent: Representative Zellinsky, Vice Chair.

Passed to Committee on Rules for second reading.

March 28, 1989

SSB 5807

Prime Sponsor, Committee on Law & Justice: Protecting Indian and historic graves. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough,

Dellwo, Inslee, P. King, R. Meyers, Moyer, H. Myers, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Hargrove, Locke and Patrick.

Passed to Committee on Rules for second reading.

March 29, 1989

ESB 5824 Prime Sponsor, Senator Johnson: Revising the provision for payment of certain health care services. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Crane, Dorn, Inslee, P. King, Nutley, K. Wilson and Winsley.

Absent: Representatives Day, Dorn and Schmidt.

Passed to Committee on Rules for second reading.

March 29, 1989

SSB 5830 Prime Sponsor, Committee on Economic Development & Labor: Extending coverage of unemployment insurance to agricultural employees over eighteen years of age. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective January 1, 1990:

(1) Section 16, chapter 35, Laws of 1945, section 3, chapter 215, Laws of 1947, section 1, chapter 264, Laws of 1957, section 2, chapter 292, Laws of 1977 ex. sess. and RCW 50.04.150; and
(2) Section 3, chapter 292, Laws of 1977 ex. sess. and RCW 50.04.155."

On page 1, line 1 of the title, after "insurance;" strike the remainder of the title and insert "and repealing RCW 50.04.150 and 50.04.155."

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Jones, R. King, Leonard and Prentice.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Ranking Republican Member; Smith, Walker and Wolfe.

Absent: Representative O'Brien.

Referred to Committee on Appropriations.

March 29, 1989

ESSB 5835 Prime Sponsor, Committee on Energy & Utilities: Creating an energy information program for local school district use. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Horn, Jones, P. King, Phillips, Pruitt, Rasmussen, Rayburn, Valle and Walker.

MINORITY recommendation: Do not pass. Signed by Representative K. Wilson.

Absent: Representatives G. Fisher, Vice Chair; Holland, P. King, Pruitt and Schoon.

Referred to Committee on Appropriations.

March 30, 1989

ESSB 5838 Prime Sponsor, Committee on Agriculture: Revising agricultural livestock liens. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Doty, Grant, Jesernig, McLean, H. Myers, Rasmussen and Youngsman.

Absent: Representatives Chandler and Rasmussen.

Passed to Committee on Rules for second reading.

March 29, 1989

ESB 5842 Prime Sponsor, Senator Lee: Excluding certain institutions from the boarding home definition. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 253, Laws of 1957 as last amended by section 4, chapter 213, Laws of 1985 and RCW 18.20.020 are each amended to read as follows:

As used in this chapter:

(1) 'Aged person' means a person of the age sixty-five years or more, or a person of less than sixty-five years who by reason of infirmity requires domiciliary care.

(2) 'Boarding home' means any home or other institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing board and domiciliary care to three or more aged persons not related by blood or marriage to the operator. It shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof, or any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

(3) 'Person' means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(4) 'Secretary' means the secretary of social and health services.

(5) 'Department' means the state department of social and health services.

(6) 'Authorized department' means any city, county, city-county health department or health district authorized by the secretary of social and health services to carry out the provisions of this chapter.

Sec. 2. Section 804, chapter 176, Laws of 1988 and RCW 71A.22.040 are each amended to read as follows:

Any person, corporation, or association may apply to the secretary for approval and certification of the applicant's facility as a day training center or a group training home for persons with developmental disabilities, or a combination of both. The secretary may either grant or deny certification or revoke certification previously granted after investigation of the applicant's facilities, to ascertain whether or not such facilities are adequate for the ~~((health, safety;))~~ care, treatment, maintenance, training, and support of persons with developmental disabilities, under standards in rules adopted by the secretary. Day training centers and group training homes must meet local health and safety standards as may be required by local health and fire-safety authorities."

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "and amending RCW 18.20.020 and 71A.22.040."

Signed by Representatives Braddock, Chair; Brooks, Ranking Republican Member; Chandler, Morris, Prentice, D. Sommers, Sprenkle, Vekich and Wolfe.

Absent: Representatives Cantwell and Day.

Passed to Committee on Rules for second reading.

March 29, 1989

ESSB 5850 Prime Sponsor, Committee on Financial Institutions & Insurance: Modifying the contract transactions of funeral establishments. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Brooks, Ranking Republican Member; Chandler, Morris, D. Sommers, Sprenkle, Vekich and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representative Prentice.

Absent: Representatives Cantwell and Day.

Passed to Committee on Rules for second reading.

March 29, 1989

SB 5858 Prime Sponsor, Senator McCaslin: Regarding meetings of school directors. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 10, after "inspection," insert "The regular meetings shall be held within the district boundaries."

Signed by Representatives Peery, Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Fuhrman, Horn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Valle, Walker and K. Wilson.

Absent: Representatives G. Fisher, Vice Chair; Holland, P. King and Schoon.

Passed to Committee on Rules for second reading.

March 29, 1989

SSB 5859 Prime Sponsor, Committee on Education: Regarding the school directors' association. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 8 insert a new subsection to read as follows:

"(8) To provide advice and assistance to local boards to promote their primary duty of representing the public interest;"

Renumber the remaining subsection

On page 2, line 23 strike "1995" and insert "1998"

On page 2, line 24 strike "1996" and insert "1999"

Signed by Representatives Peery, Chair; Betzoff, Ranking Republican Member; Brumsickle, Cole, Dorn, Jones, Phillips, Pruitt, Rasmussen, Rayburn, Valle, Walker and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman and Horn.

Voting nay: Representatives Fuhrman, Horn and Valle.

Absent: Representatives G. Fisher, Vice Chair; Holland and Schoon.

Passed to Committee on Rules for second reading.

March 28, 1989

SSB 5864 Prime Sponsor, Committee on Law & Justice: Changing provisions relating to satisfaction of judgments. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 5, chapter 60, Laws of 1929 as amended by section 1, chapter 22, Laws of 1935 and RCW 4.56.090 are each amended to read as follows:

(1) When any judgment has been assigned, the assignment ~~((may))~~ shall be filed in the office of the county clerk in the county where the judgment ~~((is recorded and))~~ was rendered, and a copy of the assignment shall be recorded with the recording officer of the county in which the judgment was rendered. The assignment shall include the recording number of the judgment. A certified copy ~~((thereof))~~ of the assignment may be ~~((filed))~~ recorded in any county ~~((where an abstract))~~ in which a memorandum of such judgment has been ~~((filed))~~ recorded, and from the time of such ~~((filing))~~ recording shall be notice of ~~((such))~~ the assignment ~~((/- PROVIDED, That such)).~~ The assignment of a judgment or such certified copy thereof, may not be filed or recorded unless it is properly acknowledged by the person executing the assignment before an officer qualified by law to take acknowledgment of deeds.

(2) Assignments made to the Washington state support registry within the office of support enforcement under Title 26 or 74 RCW need not be acknowledged by the person executing the assignment if a declaration under penalty of perjury is included in the assignment.

Sec. 2. Section 6, chapter 60, Laws of 1929 as amended by section 1, chapter 28, Laws of 1983 and RCW 4.56.100 are each amended to read as follows:

When any judgment for the payment of money only shall have been paid or satisfied, the clerk of the court in which such judgment was rendered shall note upon the record in the execution docket satisfaction thereof giving the date of such satisfaction upon either the payment to such clerk of the amount of such judgment, costs, and interest and any accrued costs by reason of the issuance of any execution, or the filing with such clerk of a satisfaction entitled in such action and identifying the same executed by the judgment creditor or his or her attorney of record in such action or his or her assignee acknowledged as deeds are acknowledged. Every full satisfaction of judgment and every partial satisfaction of judgment which provides for the payment of money shall clearly designate the judgment creditor and his or her attorney if any, the judgment debtor, the amount or type of satisfaction, whether the satisfaction is full or partial, the cause number, and the date of entry of the judgment. A certificate by such clerk of the entry of such full satisfaction by him ~~((may be filed in the office of the clerk of any county in~~

which an abstract of such judgment has been filed. When so satisfied by the clerk or the filing of such certificate the lien of such judgment shall be discharged) or her or a certified copy of such full satisfaction, which includes the recording number of the judgment, shall be recorded with the recording officer of the county in which the judgment was rendered. Upon the recording of the certificate or certified copy of full satisfaction, the lien of the judgment shall be discharged. A certified copy of either the recorded certificate or recorded certified copy of full satisfaction may be recorded with the recording officer of the county in which any memorandum of the judgment referred to in RCW 4.56.200 (1) and (2) or assignment thereof has been recorded, and from the time of such recording in the county in which the judgment was rendered shall be notice of such full satisfaction.

Sec. 3. Section 2, chapter 60, Laws of 1929 as last amended by section 117, chapter 202, Laws of 1987 and RCW 4.56.200 are each amended to read as follows:

The lien of judgments upon the real estate of the judgment debtor shall commence as follows:

(1) ~~((Judgments of the district court of the United States rendered in the county in which the real estate of the judgment debtor is situated, and judgments of the superior court for the county in which the real estate of the judgment debtor is situated, from the time of the entry thereof:~~

~~((2)) Judgments of the district court of the United States rendered in any county ((in this state other than that in which the real estate of the judgment debtor to be affected is situated)) of this state, judgments of the supreme court of this state, judgments of the court of appeals of this state, and judgments of the superior court for any county ((other than that in which the real estate of the judgment debtor to be affected is situated, from the time of the filing of a duly certified abstract of such)) of this state, upon the recording of a memorandum of the judgment with the ((county clerk)) recording officer of the county in which the real estate of the judgment debtor to be affected is situated, as provided in this ((act)) chapter;~~

~~((3)) (2) Judgments of a district court of this state ((rendered in the county in which the real estate of the judgment debtor is situated.)) from the time of the filing of a duly certified transcript of the docket of the district court with the county clerk of the county in which such judgment was rendered((;)) and the recording of a memorandum of the transcription of judgment with the recording officer of any county in the state in which the real estate of the judgment debtor is situated. Upon ((such)) the filing ((said)) of the transcript of judgment with the county clerk, the judgment shall become to all intents and purposes a judgment of the superior court for said county((-and~~

~~((4) Judgments of a district court of this state rendered in any other county in this state than that in which the real estate of the judgment debtor to be affected is situated, a transcript of the docket of which has been filed with the county clerk of the county where such judgment was rendered, from the time of filing, with the county clerk of the county in which the real estate of the judgment debtor to be affected is situated, of a duly certified abstract of the record of said judgment in the office of the county clerk of the county in which the certified transcript of the docket of said judgment of said district court was originally filed)).~~

~~(3) The memorandum referred to in subsections (1) and (2) of this section shall clearly designate: The judgment debtor, judgment creditor, and the name of the judgment creditor's attorney; the amount of the judgment, the court of jurisdiction, and the county in which the judgment was rendered; and, as to a judgment referred to under subsection (2) of this section, the superior court of the county in which the transcription was filed and the name of the court in which the judgment was rendered, cause number, and warrant number if a state tax warrant is involved. For any judgment that also includes taxable costs and attorney fees, the total of such costs and fees shall be designated in the memorandum or, if the taxable costs and attorneys' fees are not known at the time the memorandum or a certified copy thereof is recorded, then the following statement shall appear in upper case type on the memorandum or certified copy: 'TAXABLE COSTS AND ATTORNEYS' FEES ARE IN ADDITION TO THE AMOUNT OF THIS JUDGMENT.' The memorandum shall be executed by the judgment creditor or his or her attorney and shall be valid for all purposes if in substantial compliance with the foregoing requirement.~~

NEW SECTION. Sec. 4. A new section is added to chapter 4.56 RCW to read as follows:

The clerk of the superior court shall prepare for recording and record with the recording officer a copy of the memorandum of judgment or the assignment required to be recorded by RCW 4.56.090, 4.56.100, and 4.56.200.

Sec. 5. Section 30, chapter 260, Laws of 1984 as last amended by section 4, chapter 231, Laws of 1988 and RCW 6.13.090 are each amended to read as follows:

A judgment against the owner of a homestead shall become a lien on the value of the homestead property in excess of the homestead exemption from the time the judgment creditor records the judgment, or memorandum thereof, with the recording officer of the county where the property is located. However, if a judgment of a district court of this state has been transferred to a superior court, the judgment becomes a lien from the time of recording with such recording officer a duly certified abstract of the record of such judgment as it appears in the

office of the clerk in which the transfer was originally filed or a memorandum of the transcription of judgment which was filed in that office.

NEW SECTION. Sec. 6. This act applies to all judgments rendered after the effective date of this act."

On page 1, line 1 of the title, after "judgments;" strike the remainder of the title and insert "amending RCW 4.56.090, 4.56.100, 4.56.200, and 6.13.090; adding a new section to chapter 4.56 RCW; and creating a new section."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Hargrove, Insee, P. King, Moyer, H. Myers, Patrick and Tate.

MINORITY recommendation: Do not pass. Signed by Representatives Brough, Dellwo, R. Meyers, Scott, D. Sommers and Wineberry.

Absent: Representative Locke.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5886 Prime Sponsor, Committee on Health Care & Corrections: Modifying confidentiality standards for information regarding sexually transmitted diseases. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 904, chapter 206, Laws of 1988 and RCW 70.24.105 are each amended to read as follows:

(1) No person may disclose or be compelled to disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease, except as authorized by this chapter.

(2) No person may disclose or be compelled to disclose the identity of any person upon whom ~~((a test for a sexually transmitted disease is performed, or the results of such a test or any information relating to diagnosis of or treatment for a sexually transmitted disease in a manner which permits identification of the subject of the test, diagnosis, or treatment except to the following persons))~~ an HIV antibody test is performed, or the results of such a test, nor may the result of a test for any other sexually transmitted disease when it is positive be disclosed. This protection against disclosure of test subject, diagnosis, or treatment also applies to any information relating to diagnosis of or treatment for HIV infection and for any other confirmed sexually transmitted disease. The following persons, however, may receive such information:

(a) The subject of the test or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor child over fourteen years of age and otherwise competent;

(b) Any person who secures a specific release of test results or information relating to HIV or confirmed diagnosis of or treatment for any other sexually transmitted disease executed by the subject ~~((of the test))~~ or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor child over fourteen years of age and otherwise competent;

(c) The state public health officer, a local public health officer, or the centers for disease control of the United States public health service in accordance with reporting requirements for a diagnosed case of a sexually transmitted disease;

(d) A health facility or health care provider that procures, processes, distributes, or uses: (i) A human body part, tissue, or blood from a deceased person with respect to medical information regarding that person; (ii) semen, including that provided prior to March 23, 1988, for the purpose of artificial insemination; or (iii) blood specimens;

(e) Any state or local public health officer conducting an investigation pursuant to RCW 70.24.024, provided that such record was obtained by means of court ordered HIV testing pursuant to RCW 70.24.340 or 70.24.024;

(f) A person allowed access to the record by a court order granted after application showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of the order, the court, in determining the extent to which any disclosure of all or any part of the record of any such test is necessary, shall impose appropriate safeguards against unauthorized disclosure. An order authorizing disclosure shall: (i) Limit disclosure to those parts of the patient's record deemed essential to fulfill the objective for which the order was granted; (ii) limit disclosure to those persons whose need for information is the basis for the order; and (iii) include any other appropriate measures

to keep disclosure to a minimum for the protection of the patient, the physician-patient relationship, and the treatment services, including but not limited to the written statement set forth in subsection (5) of this section;

(g) Persons who, because of their behavioral interaction with the infected individual, have been placed at risk for acquisition of a sexually transmitted disease, as provided in RCW 70.24.022, if the health officer or authorized representative believes that the exposed person was unaware that a risk of disease exposure existed and that the disclosure of the identity of the infected person is necessary;

(h) A law enforcement officer, fire fighter, health care provider, health care facility staff person, or other persons as defined by the board in rule pursuant to RCW 70.24.340(4), who has requested a test of a person whose bodily fluids he or she has been substantially exposed to, pursuant to RCW 70.24.340(4), if a state or local public health officer performs the test; ~~(and)~~

(i) Claims management personnel employed by or associated with an insurer, health care service contractor, health maintenance organization, self-funded health plan, state-administered health care claims payer, or any other payer of health care claims where such disclosure is to be used solely for the prompt and accurate evaluation and payment of medical or related claims. Information released under this subsection shall be confidential and shall not be released or available to persons who are not involved in handling or determining medical claims payment; and

(j) A department of social and health services worker, a child placing agency worker, or a guardian ad litem who is responsible for making or reviewing placement or case-planning decisions or recommendations to the court regarding a child, who is less than fourteen years of age, has a sexually transmitted disease, and is in the custody of the department of social and health services or a licensed child placing agency; this information may also be received by a person responsible for providing residential care for such a child when the department of social and health services or a licensed child placing agency determines that it is necessary for the provision of child care services.

(3) No person to whom the results of a test for a sexually transmitted disease have been disclosed pursuant to subsection (2) of this section may disclose the test results to another person except as authorized by that subsection.

(4) The release of sexually transmitted disease information regarding an offender, except as provided in subsection (2)(e) of this section, shall be governed as follows:

(a) The sexually transmitted disease status of a department of corrections offender shall be made available by department of corrections health care providers to a department of corrections superintendent or administrator as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. The information may be submitted to transporting officers and receiving facilities, including facilities that are not under the department of correction's jurisdiction.

(b) The sexually transmitted disease status of a person detained in a jail shall be made available by the local public health officer to a jail administrator as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. The information may be submitted to transporting officers and receiving facilities.

(c) Information regarding a department of corrections offender's sexually transmitted disease status is confidential and may be disclosed by a correctional superintendent or administrator or local jail administrator only as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. Unauthorized disclosure of this information to any person may result in disciplinary action, in addition to any other penalties as may be prescribed by law.

(5) Whenever disclosure is made pursuant to this section, except for subsections (2)(a) and (6) of this section, it shall be accompanied by a statement in writing which includes the following or substantially similar language: 'This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose.' An oral disclosure shall be accompanied or followed by such a notice within ten days.

(6) The requirements of this section shall not apply to the customary methods utilized for the exchange of medical information among health care providers in order to provide health care services to the patient, nor shall they apply within health care facilities where there is a need for access to confidential medical information to fulfill professional duties.'

On page 1, line 6 of the title after "younger;" strike the remainder of the title and insert "and amending RCW 70.24.105."

Signed by Representatives Braddock; Chair; Brooks, Ranking Republican Member; Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprenkle, Vekich and Wolfe.

Absent: Representative Day.

Passed to Committee on Rules for second reading.

March 28, 1989

SSB 5891 Prime Sponsor, Committee on Agriculture: Revising provisions on water resource policy. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass with the following amendment:

On page 8, beginning on line 10, strike all of section 7

Renumber the remaining sections consecutively.

Signed by Representatives K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Hargrove and Sayan.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman.

Absent: Representatives Belcher, Chair; and Raiter.

Passed to Committee on Rules for second reading.

March 28, 1989

SB 5926 Prime Sponsor, Senator Benitz: Requiring development of contingency plans relating to the Hanford facility's low-level radioactive waste. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendments:

On page 3, after line 23 insert:

NEW SECTION. Sec. 3. A new section is added to chapter 43.200 RCW to read as follows: No costs shall be paid for or reimbursed by the state of Washington for the participation of other member states in the Northwest low-level waste compact for meetings of the compact held outside the state of Washington."

On page 1, line 2 of the title after "43.200.080;" insert "adding a new section to chapter 43.200 RCW;"

Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Jacobsen, Jesernig, May, R. Meyers, Miller, H. Myers and S. Wilson.

Absent: Representative Gallagher.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5948 Prime Sponsor, Committee on Energy & Utilities: Extending the period for conservation investments. Reported by Committee on Housing

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that energy conservation measures through weatherization are less costly than the production of conventional energy resources; that weatherization measures have an impact on the affordability of housing through lowered operating costs; that federal resources for low-income weatherization assistance are declining; that state incentives to encourage energy conservation are not being fully used by all public or private utility companies; and that strategies and methods to increase low-income weatherization activities by all utility companies are needed.

The legislature further finds that low-income weatherization is an important part of the state's overall energy strategy that includes cogeneration, renewable resources, and energy conservation; that an examination of the state's energy incentives requires participation from the utility companies, consumer interests, and the building industry; that the best approach to encourage full participation in low-income weatherization measures by utility companies is to have all parties review existing financial incentives and methods; and that by forming a task force the problems will be identified and solutions will be developed.

Sec. 2. Section 2, chapter 149, Laws of 1980 and RCW 80.28.025 are each amended to read as follows:

(1) In establishing rates for each gas and electric company regulated by this chapter, the commission shall adopt policies to encourage meeting or reducing energy demand through cogeneration as defined in RCW 82.35.020, measures which improve the efficiency of energy end use(;;) and new projects which produce or generate energy from renewable resources, such as solar energy, wind energy, hydroelectric energy, geothermal energy, wood, wood waste, ((municipal wastes;)) agricultural products and wastes, and end-use waste heat. ((These policies shall include but are not limited to)) Payments made under section 4, chapter ---(ESHB

2198). Laws of 1989, shall be considered a measure which improves the efficiency of energy end use.

(2) The commission shall adopt a policy allowing a return on investment in measures to improve the efficiency of energy end use, cogeneration, or projects which produce or generate energy from renewable resources ((which)). The return on investment is established by adding an increment of two percent to the rate of return on common equity permitted on the company's other investment and allowing the capitalization of carrying costs associated with the investment in such measures until they are included in the rate base for rate-making purposes. The rate of return increment shall be allowed for a period not to exceed thirty years after the measure or project is first placed in the rate base.

(3) The commission shall consider and may adopt other policies to protect a company from a reduction of short-term earnings that may be a direct result of utility programs to increase the efficiency of energy use. These policies may include allowing a periodic rate adjustment for investments in end-use efficiency or allowing changes in price structures designed to provide additional net revenue.

(4) Measures or projects encouraged under this section are those for which construction or installation is begun after June 12, 1980, and before January 1, ((1990, and which;)) 1996. At the time they are placed in the rate base, ((are)) the measures or projects must be reasonably expected to save, produce, or generate energy at a total incremental system cost per unit of energy delivered to end use which is less than or equal to the incremental system cost per unit of energy delivered to end use from similarly available conventional energy resources which ((utilize)) use nuclear energy or fossil fuels and which the gas or electric company could acquire to meet energy demand in the same time period. ((The rate of return increment shall be allowed for a period not to exceed thirty years after the measure or project is first placed in the rate base;))

(5) As part of the utility company's request for an increased return on investment under this section, a detailed breakdown of the activities claimed as measures to improve the efficiency of energy end use or projects which produce or generate energy from renewable resources shall be submitted to the commission. The commission shall forward information on the amounts targeted to low-income weatherization activities and number of persons served under this subsection to the department of community development.

Sec. 3, Section 3, chapter 149, Laws of 1980 and RCW 82.16.055 are each amended to read as follows:

(1) In computing tax under this chapter there shall be deducted from the gross income:

(a) An amount equal to the cost of production at the plant for consumption within the state of Washington of:

(i) Electrical energy produced or generated from cogeneration as defined in RCW 82.35-.020; and

(ii) Electrical energy or gas produced or generated from renewable energy resources such as solar energy, wind energy, hydroelectric energy, geothermal energy, wood, wood wastes, ((municipal wastes;)) agricultural products and wastes, and end-use waste heat; and

(b) Those amounts expended to improve consumers' efficiency of energy end use or to otherwise reduce the use of electrical energy or gas by the consumer including payments made pursuant to section 4, chapter --- (ESHB 2198), Laws of 1989.

(2) This section applies only to new facilities for the production or generation of energy from cogeneration or renewable energy resources or measures to improve the efficiency of energy end use on which construction or installation is begun after June 12, 1980, and before January 1, ((1990)) 1996.

(3) Deductions under subsection (1)(a) of this section shall be allowed for a period not to exceed thirty years after the project is placed in operation.

(4) Measures or projects encouraged under this section shall at the time they are placed in service be reasonably expected to save, produce, or generate energy at a total incremental system cost per unit of energy delivered to end use which is less than or equal to the incremental system cost per unit of energy delivered to end use from similarly available conventional energy resources which utilize nuclear energy or fossil fuels and which the gas or electric utility could acquire to meet energy demand in the same time period.

(5) The department of revenue, after consultation with the utilities and transportation commission in the case of investor-owned utilities and the governing bodies of locally regulated utilities, shall determine the eligibility of individual projects and measures for deductions under this section.

(6) As part of the utility company's filing for a deduction from gross income under this section, a detailed breakdown of the activities claimed as eligible deductions to improve the efficiency of energy end use or projects which produce or generate energy from renewable resources shall be submitted to the department of revenue. The department of revenue shall forward the information on the amounts targeted to low-income weatherization activities and number of persons served under this subsection to the department of community development.

NEW SECTION. Sec. 4. (1) There is established the low-income weatherization incentives task force to consist of:

- (a) Representatives of the major energy suppliers including natural gas utility companies, public and private electrical utility companies, and oil heating companies;
- (b) One representative of the building industry association of Washington;
- (c) One representative of the utilities and transportation commission;
- (d) One representative of the department of community development;
- (e) Representatives of consumer interests;
- (f) Two representatives from the house of representatives, one from each caucus, appointed by the speaker of the house; and
- (g) Two representatives from the senate, one from each caucus, appointed by the president of the senate.

(2) The chair of the committee on housing or the chair's designee shall act as chair of the task force established under subsection (1) of this section.

(3) The chair of the task force shall, within thirty days of the effective date of this section, appoint all nonlegislative members of the task force.

(4) The task force shall meet at such times as it is called by the chair of the task force.

(5) Members of the task force shall receive no compensation from the state.

(6) Legislative members of the task force shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION, Sec. 5. The task force established under section 4 of this act shall:

(1) Review existing financial incentives to energy utility companies for weatherization;

(2) Review existing materials on weatherization and housing affordability;

(3) Determine methods and incentives to encourage increased participation from energy utility companies in weatherization measures in present law;

(4) Identify impediments to low-income weatherization;

(5) Review existing governmental and private weatherization programs;

(6) Take any other action related to carrying out this section; and

(7) Provide a written report to the housing committee and energy and utilities committee of the house of representatives and the economic development and labor committee and energy and utilities committee of the senate by September 1, 1990, presenting the findings and recommendations of the task force.

NEW SECTION, Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "companies;" strike the remainder of the title and insert "amending RCW 80.28.025 and 82.16.055; and creating new sections."

Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Inslee, Padden, Rector and Todd.

Absent: Representative Ballard.

Referred to Committee on Revenue.

March 29, 1989

SB 5966 Prime Sponsor, Senator Rinehart: Providing the same family leave for adoptive parents as for birth parents. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Jones, R. King, Leonard and Prentice.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Ranking Republican Member; Walker and Wolfe.

Voting nay: Representatives Patrick, Ranking Republican Member; Smith, Walker and Wolfe.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

March 28, 1989

SB 5991 Prime Sponsor, Senator Pullen: Protecting state employees from assaults by juvenile offenders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 13, after "facility" insert "if the review board has determined the juvenile offender represents a continuing and serious threat to the safety of others in the institution"

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee,

R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Hargrove and Locke.

Referred to Committee on Appropriations.

March 28, 1989

SB 6032 Prime Sponsor, Senator Benitz: Requiring the utilities and transportation commission to study the feasibility of eliminating multiparty lines and mileage charges. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Jacobsen, Jesernig, May, R. Meyers, Miller, H. Myers and S. Wilson.

Absent: Representative Gallagher.

Referred to Committee on Appropriations.

March 29, 1989

2SSB 6051 Prime Sponsor, Committee on Ways & Means: Promoting employer involvement in the development of child care services and facilities. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The legislature finds that increasing the availability and affordability of quality child care will enhance the stability of the family and facilitate expanded economic prosperity in the state. The legislature finds that balancing work and family life is a critical concern for employers and employees. The dramatic increase in participation of women in the work force has resulted in a demand for affordable child care exceeding the supply. The future of the state's work force depends in part upon the availability of quality affordable child care. There are not enough child care services and facilities to meet the needs of working parents, the costs of care are often beyond the resources of working parents, and facilities are not located conveniently to work places and neighborhoods. The prospect for labor shortages resulting from the aging of the population and the importance of the quality of the work force to the competitiveness of Washington businesses make the availability of quality child care an important concern for the state's businesses.

The legislature further finds that a partnership between business and child care providers can help the market for child care adjust to the needs of businesses and working families and improve productivity, reduce absenteeism, improve recruitment, and improve morale among Washington's labor force. The legislature further finds that private and public partnerships and investments are necessary to increase the supply, affordability, and quality of child care in the state.

Sec. 2. Section 11, chapter 466, Laws of 1985 as amended by section 3, chapter 348, Laws of 1987 and RCW 43.31.085 are each amended to read as follows:

The business assistance center shall:

(1) Serve as the state's lead agency and advocate for the development and conservation of businesses.

(2) Coordinate the delivery of state programs to assist businesses.

(3) Provide comprehensive referral services to businesses requiring government assistance.

(4) Serve as the business ombudsman within state government and advise the governor and the legislature of the need for new legislation to improve the effectiveness of state programs to assist businesses.

(5) Aggressively promote business awareness of the state's business programs and distribute information on the services available to businesses.

(6) Develop, in concert with local economic development and business assistance organizations, coordinated processes that complement both state and local activities and services.

(7) The business assistance center shall work with other federal, state, and local agencies and organizations to ensure that business assistance services including small business, trade services, and distressed area programs are provided in a coordinated and cost-effective manner.

(8) In collaboration with the child care coordinating committee in the department of social and health services, prepare and disseminate information on child care options for employers and the existence of the program. As much as possible, and through interagency agreements where necessary, such information should be included in the routine communications to employers from (a) the department of revenue, (b) the department of labor and industries, (c) the department of community development, (d) the employment security department, (e) the

department of trade and economic development, (f) the small business development center, and (g) the department of social and health services.

(9) In collaboration with the child care coordinating committee in the department of social and health services, compile information on and facilitate employer access to individuals, firms, organizations, and agencies that provide technical assistance to employers to enable them to develop and support child care services or facilities.

(10) Actively seek public and private money to support the child care facility fund described in section 3 of this act, staff and assist the child care facility fund committee as described in section 4 of this act, and work to promote applications to the committee for loan guarantees, loans, and grants.

NEW SECTION. Sec. 3. A child care facility fund is created. Money in the fund shall be used solely for the purpose of starting or improving a child care facility pursuant to sections 2 through 8 of this act. Money may be deposited from private and public sources into this fund.

NEW SECTION. Sec. 4. The child care facility fund committee is established within the business assistance center of the department of trade and economic development. The committee shall administer the child care facility fund, with review by the director of the department of trade and economic development.

(1) The committee shall have five members. The director of the department of trade and economic development shall appoint the members, who shall include:

(a) Two persons experienced in investment finance and having skills in providing capital to new businesses, in starting and operating businesses, and providing professional services to small or expanding businesses;

(b) One person representing a philanthropic organization with experience in evaluating funding requests;

(c) One child care services expert; and

(d) One early childhood development expert.

In making these appointments, the director shall give careful consideration to ensure that the various geographic regions of the state are represented and that members will be available for meetings and are committed to working cooperatively to address child care needs in Washington state.

(2) The committee shall elect officers from among its membership and shall adopt policies and procedures specifying the lengths of terms, methods for filling vacancies, and other matters necessary to the ongoing functioning of the committee.

(3) Committee members shall serve without compensation, but may request reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) Committee members shall not be liable to the state, to the child care facility fund, or to any other person as a result of their activities, whether ministerial or discretionary, as members except for willful dishonesty or intentional violation of the law. The department of trade and economic development may purchase liability insurance for members and may indemnify these persons against the claims of others.

NEW SECTION. Sec. 5. The child care facility fund committee is authorized to solicit applications for and award grants and loans from the child care facility fund to assist persons, businesses, or organizations to start a licensed child care facility, or to make capital improvements in an existing licensed child care facility. Grants and loans shall be awarded on a one-time only basis, shall not be awarded to cover operating expenses beyond the first three months of business, and no grant or loan shall exceed twenty-five thousand dollars.

NEW SECTION. Sec. 6. The child care facility fund committee is authorized, upon application, to use the child care facility fund to guarantee loans made to persons, businesses, or organizations to start a licensed child care facility, or to make capital improvements in an existing licensed child care facility.

(1) Loan guarantees shall be awarded on a one-time only basis, and shall not be awarded for loans to cover operating expenses beyond the first three months of business.

(2) The total aggregate amount of the loan guarantee awarded to any applicant may not exceed twenty-five thousand dollars and may not exceed eighty percent of the loan.

(3) The total aggregate amount of guarantee from the child care facility fund, with respect to the guaranteed portions of loans, may not exceed at any time an amount equal to five times the balance in the child care facility fund.

NEW SECTION. Sec. 7. The child care facility fund committee shall award loan guarantees, loans or grants to those persons, businesses, or organizations meeting the minimum standards set forth in this chapter who will best serve the intent of the chapter to increase the availability of high quality, affordable child care in Washington state. The committee shall promulgate rules regarding the application for and disbursement of loan guarantees, loans, or grants from the fund, including loan terms and repayment procedures. At a minimum, such rules shall require an applicant to submit a plan which includes a detailed description of:

(1) The need for a new or improved child care facility in the area served by the applicant, including the needs of any special populations such as handicapped children, sick children, children requiring night or weekend care, or children whose costs of care are subsidized by government;

(2) Why financial assistance from the state is needed to start or improve the child care facility;

(3) How the guaranteed loan, loan, or grant will be used, and how such uses will meet the described need;

(4) The child care services to be available at the facility and the capacity of the applicant to provide those services; and

(5) The financial status of the applicant, including other resources available to the applicant which will ensure the continued viability of the facility and the availability of its described services.

Recipients shall annually for two years following the receipt of the loan guarantee, loan, or grant, submit to the child care facility fund committee a report on the facility and how it is meeting the child care needs for which it was intended.

NEW SECTION. Sec. 8. Where the child care facility fund committee makes a grant to a person, organization, or business, the grant shall be repaid to the child care facility fund if the child care facility using the grant to start or expand ceases to provide child care earlier than the following time periods from the date the grant is made: (1) Twelve months for a grant up to five thousand dollars; (2) twenty-four months for a grant over five thousand dollars up to ten thousand dollars; (3) thirty-six months for a grant over ten thousand dollars up to fifteen thousand dollars; (4) forty-eight months for a grant over fifteen thousand dollars up to twenty thousand dollars; and (5) sixty months for a grant over twenty thousand dollars up to twenty-five thousand dollars.

Sec. 9. Section 5, chapter 164, Laws of 1985 as last amended by section 4, chapter 461, Laws of 1987 and RCW 43.168.050 are each amended to read as follows:

(1) The committee may only approve an application providing a loan for a project which the committee finds:

(a) Will result in the creation of employment opportunities or the maintenance of threatened employment;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, and the employment of disadvantaged workers, will primarily accrue to residents of the area;

(d) Will probably be successful;

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable or the return on investment is inadequate.

(2) The committee shall, subject to federal block grant criteria, give higher priority to economic development projects that contain provisions for child care.

(3) The committee may not approve an application if it fails to provide for adequate reporting or disclosure of financial data to the committee. The committee may require an annual or other periodic audit of the project books.

~~((3))~~ (4) The committee may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to such organization by the recipient of the loan or grant.

~~((4))~~ (5) (a) Except as provided in (b) of this subsection, the committee shall not approve any application which would result in a loan or grant in excess of three hundred fifty thousand dollars.

(b) The committee may approve an application which results in a loan or grant of up to seven hundred thousand dollars if the application has been approved by the director.

~~((5))~~ (6) The committee shall fix the terms and rates pertaining to its loans.

~~((6))~~ (7) Should there be more demand for loans than funds available for lending, the committee shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the 'greatest amount of employment or benefit' the committee shall also consider the employment which would be saved by its loan.

~~((7))~~ (8) To the extent permitted under federal law the committee shall require applicants to provide for the transfer of all payments of principal and interest on loans to the Washington state development loan fund created under this chapter. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

~~((8))~~ (9) The committee shall not approve any application to finance or help finance a shopping mall.

~~((9))~~ (10) The committee shall make at least eighty percent of the appropriated funds available to projects located in distressed areas, and may make up to twenty percent available to projects located in areas not designated as distressed. The committee shall not make funds available to projects located in areas not designated as distressed if the fund's net worth is less than seven million one hundred thousand dollars.

~~((10))~~ (11) If an objection is raised to a project on the basis of unfair business competition, the committee shall evaluate the potential impact of a project on similar businesses located in

the local market area. A grant may be denied by the committee if a project is not likely to result in a net increase in employment within a local market area.

NEW SECTION. Sec. 10. Sections 3 through 8 of this act are each added to chapter 43.31 RCW.

NEW SECTION. Sec. 11. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.*

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 43.31.085 and 43.168.050; adding new sections to chapter 43.31 RCW; creating new sections; and declaring an emergency."

Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; Kremen, Moyer, Rasmussen, Raiter, Rector, Tate, Walk and Youngsman.

Absent: Representatives G. Fisher and Schoon.

Referred to Committee on Appropriations.

March 30, 1989

SB 6095 Prime Sponsor, Senator Benitz: Providing for branch campuses.
Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the benefits of higher education should be more widely available to the citizens of the state of Washington. The legislature also finds that a citizen's place of residence can restrict that citizen's access to educational opportunity at the upper division and graduate level.

Because most of the state-supported baccalaureate universities are located in areas removed from major metropolitan areas, the legislature finds that many of the state's citizens, especially those citizens residing in the central Puget Sound area, the Tri-Cities, Spokane, Vancouver, and Yakima, have insufficient and inequitable access to upper-division baccalaureate and graduate education.

This lack of sufficient educational opportunities in urban areas makes it difficult or impossible for place-bound individuals, who are unable to relocate, to complete a baccalaureate or graduate degree. It also exacerbates the difficulty financially needy students have in attending school, since many of those students need to work, and work is not always readily available in some communities where the baccalaureate institutions of higher education are located.

The lack of sufficient educational opportunities in metropolitan areas also affects the economy of the underserved communities. Businesses benefit from access to the research and teaching capabilities of institutions of higher education. The absence of these institutions from some of the state's major urban centers prevents beneficial interaction between businesses in these communities and the state's universities.

The Washington state master plan for higher education, adopted by the higher education coordinating board, recognizes the need to expand upper-division and graduate educational opportunities in the state's large urban centers. The board has also attempted to provide a means for helping to meet future educational demand through a system of branch campuses in the state's major urban areas.

The legislature endorses the assignment of responsibility to serve these urban centers that the board has made to various institutions of higher education. The legislature also endorses the creation of branch campuses for the University of Washington and Washington State University.

The legislature recognizes that, among their other responsibilities, the state's comprehensive community colleges share with the four-year universities and colleges the responsibility of providing the first two years of a baccalaureate education. It is the intent of the legislature that the four-year institutions and the community colleges work as cooperative partners to ensure the successful and efficient operation of the state's system of higher education. The legislature further intends that the four-year institutions work cooperatively with the community colleges to ensure that branch campuses are operated as models of a two plus two educational system.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.80 RCW to read as follows:

It is the intent of the legislature that, at the same time additional capital or operating funds are approved for the purposes of sections 3 through 7 of this act, enrollment lids at existing

baccalaureate institutions of higher education should be raised at the upper-division level insofar as doing so would increase participation rates in underserved areas.

NEW SECTION, Sec. 3. The University of Washington is responsible for ensuring the expansion of upper-division and graduate educational programs in the central Puget Sound area under rules or guidelines adopted by the higher education coordinating board. The University of Washington shall meet that responsibility through the operation of at least two branch campuses. One branch campus shall be located in the Tacoma area. Another branch campus shall be located in the Bothell-Woodinville area.

NEW SECTION, Sec. 4. Washington State University is responsible for providing upper-division and graduate level higher education programs to the citizens of the Tri-Cities area, under rules or guidelines adopted by the higher education coordinating board. Washington State University shall meet that responsibility through the operation of a branch campus in the Tri-Cities area.

NEW SECTION, Sec. 5. Washington State University is responsible for providing upper-division and graduate level higher education programs to the citizens of the southwest Washington area, under rules or guidelines adopted by the higher education coordinating board. Washington State University shall meet that responsibility through the operation of a branch campus in the southwest Washington area.

NEW SECTION, Sec. 6. Washington State University and Eastern Washington University are responsible for providing upper-division and graduate level programs to the citizens of the Spokane area, under rules or guidelines adopted by the higher education coordinating board. Washington State University shall meet its responsibility through the operation of a branch campus in the Spokane area. Eastern Washington University shall meet its responsibility through the operation of co-located programs and facilities in Spokane.

NEW SECTION, Sec. 7. Central Washington University is responsible for providing upper-division and graduate level higher education programs to the citizens of the Yakima area, under rules or guidelines adopted by the higher education coordinating board.

NEW SECTION, Sec. 8. A new section is added to chapter 28B.80 RCW to read as follows:

In rules and guidelines adopted for purposes of this act, the higher education coordinating board shall ensure a collaborative partnership between the community colleges and the four-year institutions. The partnership shall be one in which the community colleges prepare students for transfer to the upper-division programs of the branch campuses.

NEW SECTION, Sec. 9. A new section is added to chapter 28B.80 RCW to read as follows:

Before approving any institutional request to acquire facilities in an area assigned in sections 3 through 7 of this act, the higher education coordinating board shall ensure that creative and cost-effective methods of serving the needs of each assigned area are considered, including but not limited to:

- (1) Exploring the possibility of time-sharing existing college or university facilities for instructional and administrative purposes;
- (2) Using rented facilities; and
- (3) Utilizing telecommunication technology.

NEW SECTION, Sec. 10. Authorization for the programs, increases, and facilities described in this act is subject to legislative appropriation.

NEW SECTION, Sec. 11. Sections 3 through 7 and 10 of this act are each added to Title 28B RCW.

NEW SECTION, Sec. 12. Section 13, chapter 72, Laws of 1983 1st ex. sess., section 1, chapter 408, Laws of 1985 and RCW 28B.30.510 are each repealed."

On page 1, line 1 of the title, after "campuses;" strike the remainder of the title and insert "adding new sections to Title 28B RCW; adding new sections to chapter 28B.80 RCW; creating a new section; and repealing RCW 28B.30.510."

Signed by Representatives Jacobsen, Chair; Van Luven, Ranking Republican Member; Fraser, Heavey, Jesernig, H. Myers, Prince, Rector and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Spanel, Vice Chair; Basich, Doty and Insee.

Absent: Representative Miller.

Passed to Committee on Rules for second reading.

March 30, 1989

SSCR 8400

Prime Sponsor, Committee on Agriculture: Creating a joint select committee on agricultural products clear title. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendment:

On page 2, after line 9, strike all material through "representatives." on line 14 and insert:

"BE IT FURTHER RESOLVED, That twenty thousand dollars from moneys appropriated to the house of representatives and twenty thousand dollars from moneys appropriated to the senate be used solely for the expenses of the committee."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Doty, Grant, Jesernig, McLean, H. Myers, Rasmussen and Youngsman.

Absent: Representatives Chandler and Rasmussen.

Passed to Committee on Rules for second reading.

March 28, 1989

ESCR 8403 Prime Sponsor, Senator West: Providing for a joint select committee on employer-employee relations. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Ebersole, the bills and resolutions listed on today's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advance to the sixth order of business.

SECOND READING

SENATE BILL NO. 5277, by Senators McCaslin, DeJarnatt and Kreidler

Extending the period for fire district service charges.

The bill was read the second time.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5277, and the bill passed the House by the following vote: Yeas, 91; absent, 4; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Youngsman, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Belcher, Brekke, Hargrove, Sommers H - 4.

Excused: Representatives Meyers R, Miller, Wood - 3.

Senate Bill No. 5277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Hargrove and H. Sommers appeared at the bar of the House.

SENATE BILL NO. 5983, by Senator Newhouse

Authorizing the superior court to retain for hearing water rights cases involving more than one thousand named defendants that would otherwise be referred to a referee.

The bill was read the second time.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5983, and the bill passed the House by the following vote: Yeas, 93; absent, 2; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Belcher, Brekke - 2.

Excused: Representatives Meyers R, Miller, Wood - 3.

Senate Bill No. 5983, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE SENATE

March 29, 1989

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1138,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1324,
HOUSE BILL NO. 1912,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 29, 1989

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5032,
SUBSTITUTE SENATE BILL NO. 5034,
SENATE BILL NO. 5042,
ENGROSSED SENATE BILL NO. 5045,
SENATE BILL NO. 5079,
SENATE BILL NO. 5089,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

SIGNED BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced the Speaker had signed:

HOUSE BILL NO. 1138,
SUBSTITUTE HOUSE BILL NO. 1324,
HOUSE BILL NO. 1912.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

Representatives Belcher, Brekke and R. Meyers appeared at the bar of the House.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) introduced Miss Lea Fonda Snider, the 1988-89 Daffodil Queen. Queen Lea briefly addressed the members of the House of Representatives.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5014, by Committee on Law & Justice (originally sponsored by Senators Pullen, Madsen, Hayner and Rasmussen)

Amending provisions regarding police dogs.

The bill was read the second time.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5014, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Miller, Wood - 2.

Engrossed Substitute Senate Bill No. 5014, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5088, by Committee on Energy & Utilities (originally sponsored by Senators Benitz, Stratton, Bluechel, Metcalf, Lee, Anderson and Johnson)

Regulating telemarketing.

The bill was read the second time.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Todd and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5088, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Miller, Wood - 2.

Engrossed Substitute Senate Bill No. 5088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider Substitute Senate Bill No. 5193 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5193, by Committee on Health Care & Corrections (originally sponsored by Senators Amundson, Madsen, Anderson, Newhouse, Kreidler, McMullen, Talmadge and Warnke)

Revising provisions of the optometry statutes.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 75th Day, March 24, 1989.)

Mr. Braddock moved adoption of the committee amendment and spoke against it.

The Speaker assumed the Chair.

Representatives Sprenkle and Wolfe spoke in favor of adoption of the amendment, and Representatives Leonard, Day and Nealey opposed it. Mr. Sprenkle again spoke in favor of the amendment, and Mr. Braddock again opposed it.

The amendment was not adopted.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Leonard and Day spoke in favor of passage of the bill, and Mr. Brooks opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5193, and the bill passed the House by the following vote: Yeas, 65; nays, 30; absent, 1; excused, 2.

Voting yea: Representatives Appelwick, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brough, Brumsickle, Cantwell, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Fisher G, Fisher R, Fraser, Fuhrman, Hankins, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, Leonard, Locke, Meyers R, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rayburn, Rector, Scott, Silver, Smith, Sommers H, Spanel, Tate, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Youngsman, and Mr. Speaker - 65.

Voting nay: Representatives Anderson, Ballard, Brooks, Chandler, Cole, Cooper, Ferguson, Grant, Hargrove, Haugen, Heavey, King R, Kremen, May, McLean, Moyer, Padden, Patrick, Rasmussen, Rust, Sayan, Schmidt, Schoon, Sommers D, Sprenkle, Van Luven, Walker, Wilson S, Wolfe, Zellinsky - 30.

Absent: Representative Gallagher - 1.

Excused: Representatives Miller, Wood - 2.

Substitute Senate Bill No. 5193, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1479 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1479, by Representatives Locke, Silver, Grant, H. Sommers, Holland and Sayan; by request of Governor Gardner

Making appropriations for the 1987-89 biennium.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 1479 was substituted for House Bill No. 1479, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1479 was read the second time.

Mr. Locke moved adoption of the following amendments:

On page 5, line 24, increase the general fund appropriation of "7,409,000" by \$19,000.

On page 5, line 28, increase the total appropriation of "9,525,000" by \$19,000.

On page 6, after line 14, insert:

"(5) \$19,000 of the general fund appropriation is provided solely for census maps and activities related to the census redistricting data program."

Mr. Locke spoke in favor of adoption of the amendments, and they were adopted.

Mr. Braddock moved adoption of the following amendment by Representatives Braddock and Locke:

On page 66, line 13, after "operations" insert "and studies of the center's finances and sexual harassment policies. The center shall contract with the legislative budget committee to conduct these studies, which shall be presented to the legislature no later than June 30, 1989."

Mr. Braddock spoke in favor of adoption of the amendment, and it was adopted.

Mr. Wang moved adoption of the following amendment by Representatives Wang, Silver and Locke:

On page 79, line 34, beginning with "The appropriation" strike all material through "law-suit." on page 80, line 1, and insert "This appropriation is for payment of the state's portion of a comprehensive settlement in In re Washington Public Power Supply System Securities Litigation (U.S. Dist. Ct. Ariz. MDL 551) which settlement includes a relinquishment of all claims by the bondholder class of WPPSS projects numbers 4 and 5 against the state of Washington."

Mr. Wang spoke in favor of adoption of the amendment, and it was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Locke and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1479, and the bill passed the House by the following vote: Yeas, 93; nays, 1; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representative Padden - 1.

Absent: Representatives Prentice, Vekich - 2.

Excused: Representatives Miller, Wood - 2.

Engrossed Substitute House Bill No. 1479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eleventh order of business.

MOTION

Ms. Brough moved that the House revert to the eighth order of business. Ms. Brough spoke in favor of the motion, and it was carried.

MOTIONS

On motion of Mr Ebersole, Engrossed Substitute Senate Bill No. 5288 was referred from Committee on Appropriations to Committee on Rules.

On motion of Mr Ebersole, Substitute Senate Bill No. 5481 was referred from Committee on Appropriations to Committee on Rules.

On motion of Mr Ebersole, Substitute Senate Bill No. 5614 was referred from Committee on Appropriations to Committee on Rules.

On motion of Mr Ebersole, Senate Bill No. 5636 was referred from Committee on Appropriations to Committee on Rules.

On motion of Mr Ebersole, Substitute Senate Bill No. 5866 was referred from Committee on State Government to Committee on Revenue.

MOTION

Ms. Brough moved that Committee on Commerce & Labor be relieved of Substitute Senate Bill No. 5893 and that the bill be placed on the second reading calendar.

Mr. Ebersole spoke against the motion, and Mr. Patrick spoke in favor of it.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Representatives Wolfe, Brough and Ballard spoke in favor of the motion, and Mr. Vekich opposed it.

ROLL CALL

The Clerk called the roll on the motion by Ms. Brough to relieve Committee on Commerce & Labor of Substitute Senate Bill No. 5893 and place the bill on the second reading calendar, and the motion was not carried by the following vote: Yeas, 36; nays, 60; excused, 2.

Voting yea: Representatives Ballard, Beck, Betzoff, Bowman, Bristow, Brooks, Brough, Brumsickle, Chandler, Doty, Ferguson, Fuhrman, Grant, Hankins, Holland, Horn, Kremen, May, McLean, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Youngsman - 36.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Hargrove, Haugen, Heavey, Hine, Insee, Jacobsen, Jesernig, Jones, King P, King R, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 60.

Excused: Representatives Miller, Wood - 2.

The Speaker declared the House to be at ease.

The Speaker (Mr. Day presiding) called the House to order.

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 30, 1989

HB 2215 Prime Sponsor, Representative Holland: Dedicating sales and use taxes on candy and sweets for financing public school and higher education construction. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Beck, Betzoff, Braddock, Bristow, Fraser, Jacobsen, Peery and Wang.

MINORITY recommendation: Do not pass. Signed by Representative Bowman

Voting nay: Representatives Bowman and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1989

HCR 4410 Prime Sponsor, Representative Belcher: Creating a joint select committee on employee compensation. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector and Sayan.

Passed to Committee on Rules for second reading.

March 29, 1989

2SSB 5002 Prime Sponsor, Committee on Ways & Means: Establishing the international policy advisory council. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments: On page 1, after line 17 strike all material through "void." on page 5, line 10 and insert:

***NEW SECTION.** Sec. 2. (1) There is hereby established the international trade advisory council in the office of the director of the department of trade and economic development. The council shall consist of thirteen members:

(a) One member representing the department of trade and economic development appointed by the director of that department;

(b) One member representing the department of agriculture appointed by the director of that department;

(c) One member from each caucus in the house of representatives appointed by the speaker of the house of representatives and one member from each caucus in the senate appointed by the president of the senate;

(d) Two members from the private non-profit sector, one appointed by the director of the department of trade and economic development and one appointed by the director of the department of agriculture;

(e) Four members from the private for-profit sector, two appointed by the director of the department of trade and economic development and two appointed by the director of the department of agriculture; and

(f) One member representing port districts appointed by the Washington public ports association.

A chair shall be elected from among the members for a term of one year.

(2) The council is encouraged to invite other participants for its deliberations as it deems appropriate.

(3) Staffing shall be provided jointly by the department of trade and economic development and the department of agriculture.

NEW SECTION. Sec. 3. Appointments to the council shall be made within thirty days of the effective date of this act. The first meeting shall be held within sixty days of the effective date of this act. Additional meetings shall be held at the call of the chair or the director of the department of trade and economic development, but shall be held at least quarterly. Non-legislative members of the commission shall serve without compensation, but may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 4. The council has the following duties:

(1) To advise the directors of the departments of trade and economic development and agriculture on international trade (a) to help the directors make policy recommendations to the governor and the legislature, and (b) to help the directors more effectively manage their agencies' roles in enhancing Washington State's share of international trade;

(2) To evaluate trade and trade development programs that are provided by the public sector, the private sector, or both, and make recommendations to the directors of the departments of trade and economic development and agriculture and the legislature regarding how these programs and organizations can be more coordinated and effective;

(3) To assist the department of trade and economic development and the department of agriculture with their short-term and long-term planning for international trade programs and budgets;

(4) To evaluate and make recommendations to the appropriate standing committees of the legislature regarding current exchange programs in the state in the areas of education, science, technology, culture, and marketing; and

(5) To advise the directors of the departments of trade and economic development and agriculture, and the appropriate standing committees in the legislature, by December 15, 1989, on whether the state should establish overseas trade offices, what the priorities are, where the offices should be located, whether the offices should be independent or joint offices, and what the funding requirements for any recommended overseas offices are expected to be.

NEW SECTION. Sec. 5. The council shall report in writing each December to the house of representatives trade and economic development committee and the senate economic development and labor committee on the council's activities and recommendations.

NEW SECTION. Sec. 6. A new section is added to chapter 43.131 RCW to read as follows:

The international trade advisory council created in section 2 of this act and its powers and duties shall be terminated on June 30, 1992.

NEW SECTION. Sec. 7. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1993:

(1) Section 1, chapter ---, laws of 1989 (section 1 of this act) (uncodified);

(2) Section 2, chapter ---, laws of 1989 (section 2 of this act) and RCW 43.31.---;

(3) Section 3, chapter ---, laws of 1989 (section 3 of this act) and RCW 43.31.---;

(4) Section 4, chapter ---, laws of 1989 (section 4 of this act) and RCW 43.31.---; and

(5) Section 5, chapter ---, laws of 1989 (section 5 of this act) and RCW 43.31.---;

NEW SECTION. Sec. 8. Sections 2 through 5 of this act are each added to chapter 43.31 RCW.*

On page 1, line 3 of the title after "creating" strike "new sections" and insert "a new section"

Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; Kremen, Moyer, Rasmussen, Raiter, Rector, Tate, Walk and Youngsman.

Absent: Representatives G. Fisher and Schoon.

Referred to Committee on Appropriations.

March 30, 1989

ESSB 5026 Prime Sponsor, Committee on Children & Family Services: Expanding child care resources and information. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 74.13 RCW to read as follows:

The department of social and health services shall, within appropriated funds:

(1) Staff and assist the child care coordinating committee in the implementation of its duties under RCW 74.13.090;

(2) Work with local governments, nonprofit organizations, businesses, and community child care advocates to create local child care resource and referral organizations. These organizations may carry out needs assessments, resource development, provider training, technical assistance, and parent information and training;

(3) Actively seek public and private money for distribution as grants to potential or existing local child care resource and referral organizations. No grant shall be distributed that is greater than twenty-five thousand dollars;

(4) Adopt rules regarding the application for and distribution of grants to local child care resource and referral organizations;

(5) Provide staff support and technical assistance to local child care resource and referral organizations;

(6) Organize the local child care resource and referral organizations into a state-wide system;

(7) Maintain a state-wide child care referral data bank and work with department of social and health services licensors to provide information to local child care resource and referral organizations about licensed child care providers in the state;

(8) Through local resource and referral organizations, compile data about local child care needs and availability for future planning and development;

(9) Coordinate the provision of training and technical assistance to child care providers; and

(10) Collect and assemble information regarding the availability of insurance and of federal and other child care funding to assist state and local agencies, businesses, and other child care providers in offering child care services."

On page 1, line 1 of the title, after "care," strike the remainder of the title and insert "adding a new section to chapter 74.13 RCW."

Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Hargrove, Leonard, Padden, Raiter and Winsley.

Absent: Representative Hargrove.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5035 Prime Sponsor, Committee on Children & Family Services: Providing for a program of insurance for foster parents. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Hargrove, Leonard, Padden, Raiter and Winsley.

Absent: Representative Hargrove.

Referred to Committee on Appropriations.

March 30, 1989

ESSB 5048 Prime Sponsor, Committee on Children & Family Services: Extending the council for the prevention of child abuse and neglect. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Human Services. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Bowman, Braddock, Brekke, Bristow, Dorn, Doty, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Vaile, Wang and Wineberry.

Absent: Representative Brough.

Passed to Committee on Rules for second reading.

March 30, 1989

SB 5054 Prime Sponsor, Senator Rinehart: Establishing the Washington state minority teacher recruitment program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Belcher, Bowman, Brekke, Dorn, Doty, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Vaile, Wang and Wineberry.

Absent: Representatives Appelwick and Brough.

Passed to Committee on Rules for second reading.

March 31, 1989

SB 5059 Prime Sponsor, Senator Smith: Providing for a steelhead punchcard for persons under age fifteen. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 21, after "than" strike "five" and insert "ten"

Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Smith, Spanel and Vekich.

Voting nay: Representative Haugen.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5066 Prime Sponsor, Committee on Law & Justice: Modifying self-defense requirements. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 8, chapter 206, Laws of 1977 ex. sess. and RCW 9.01.200 are each amended to read as follows:

(1) No person in the state shall be placed in legal jeopardy of any kind whatsoever for protecting by any reasonable means necessary, himself or herself, his or her family, or his or her real or personal property, or for coming to the aid of another who is in imminent danger of or the victim of (~~aggravated~~) assault, (~~armed~~) robbery, (~~holdup~~) kidnapping, arson, burglary, rape, murder, or any other heinous crime.

(2) When a substantial question of self defense in such a case shall exist which needs legal investigation or court action for the full determination of the facts, and the defendant's actions are subsequently found justified under the intent of this section, the state of Washington shall indemnify or reimburse such defendant for all loss of time, legal fees, or other expenses involved in his or her defense. This indemnification or reimbursement is an award of reasonable costs which include loss of time, legal fees, or other expenses and is not an independent cause of action. The determination of an award shall be by the judge or jury at the discretion of the judge in the criminal proceeding. To award these reasonable costs the trier of fact must find that the defendant's claim of self-defense was sustained by a preponderance of the evidence: PROVIDED, HOWEVER, That nothing shall preclude the legislature from granting a higher award through the sundry claims process.

(3) Whenever the issue of self defense under this section is decided by a judge or whenever a judge exercises the discretion authorized under subsection (2) of this section in determining an award, the judge shall consider the same questions as must be answered in the special verdict under subsection (4) of this section.

(4) Whenever the issue of self defense under this section has been submitted to a jury, and the jury has found the defendant not guilty, and the judge has submitted an award determination to the jury, the court shall instruct the jury to return a special verdict in substantially the following form:

answer
yes or no

1. Was the finding of not guilty based upon self defense?

2. If your answer to question 1 is no, do not answer the remaining question.

3. If your answer to question 1 is yes, was the defendant:

a. Protecting himself or herself?

b. Protecting his or her family?

c. Protecting his or her property?

d. Coming to the aid of another who was in imminent danger of a heinous crime?

e. Coming to the aid of another who was the victim of a heinous crime?

NEW SECTION, Sec. 2. RCW 9.01.200 is hereby decodified and recodified as a new section in chapter 9A.16 RCW."

On page 1, line 1 of the title, after "property;" strike the remainder of the title and insert "amending RCW 9.01.200; and recodifying RCW 9.01.200."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

MINORITY recommendation: Without recommendation. Signed by Representative Dellwo.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5071 Prime Sponsor, Committee on Children & Family Services: Regarding surrogate parenting. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature finds that the legal status of children born under surrogate parenting arrangements is currently uncertain, and that there remain many ethical and legal problems and issues concerning rights and responsibilities of the parents, child, and the surrogate mother and her husband, if any. There are further concerns about the risk of exploitation and coercion which may arise from the commercialization of surrogate parenting.

NEW SECTION, Sec. 2. As used in sections 2 through 7 of this act:

(1) 'Compensation' means a payment of money, objects, services, or anything else having monetary value except payment of expenses incurred as a result of the pregnancy and the actual medical expenses of a surrogate mother, and the payment of reasonable attorney fees for the drafting of a surrogate parentage contract.

(2) 'Surrogate gestation' means the implantation in a female of an embryo not genetically related to that female and subsequent gestation of a child by that female.

(3) 'Surrogate mother' means a female, who is not married to the contributor of the sperm, and who is naturally or artificially inseminated and who subsequently gestates a child conceived through the insemination pursuant to a surrogate parentage contract.

(4) 'Surrogate parentage contract' means a contract, agreement, or arrangement in which a female, not married to the contributor of the sperm, agrees to conceive a child through natural or artificial insemination or in which a female agrees to surrogate gestation, and to voluntarily relinquish her parental rights to the child.

NEW SECTION, Sec. 3. A person shall not enter into, induce, arrange, procure, or otherwise assist in the formation of a surrogate parentage contract under which an unemancipated minor female or a female diagnosed as having a mental illness or developmental disability is the surrogate mother.

NEW SECTION. Sec. 4. No person, organization, or agency shall enter into, induce, arrange, procure, or otherwise assist in the formation of a surrogate parentage contract, written or unwritten, for compensation.

NEW SECTION. Sec. 5. A surrogate parentage contract entered into for compensation, whether executed in the state of Washington or in another jurisdiction, shall be void and unenforceable in the state of Washington as contrary to public policy.

NEW SECTION. Sec. 6. Every person who violates the provisions of sections 2 through 7 of this act shall be subject to a civil penalty of not more than fifty thousand dollars. The prosecuting attorney may seek recovery of such penalty in a civil action.

NEW SECTION. Sec. 7. If a child is born to a surrogate mother pursuant to a surrogate parentage contract, and there is a dispute between the parties concerning custody of the child, the party having physical custody of the child may retain physical custody of the child until the superior court orders otherwise. The superior court shall award legal custody of the child based upon the factors listed in RCW 26.09.187(3) and 26.09.191.

NEW SECTION. Sec. 8. Sections 2 through 7 of this act are each added to chapter 26.26 RCW.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "parenting;" strike the remainder of the title and insert "adding new sections to chapter 26.26 RCW; creating a new section; prescribing penalties; and declaring an emergency."

Signed by Representatives Braddock, Chair; Day, Vice Chair; Chandler, Morris, Prentice, D. Sommers, Sprengle and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Brooks, Ranking Republican Member and Vekich.

Passed to Committee on Rules for second reading.

March 30, 1989

2SSB 5073 Prime Sponsor, Committee on Ways & Means: Establishing a central repository for collection and analysis of information on crimes involving bigotry and bias. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION.** Sec. 1. A new section is added to chapter 36.28A RCW to read as follows:

(1) The Washington association of sheriffs and police chiefs shall establish and maintain a central repository for the collection and classification of information regarding crimes which violate RCW 9A.36.080 and are motivated all or in part by bigotry and bias. Upon establishing such a repository, the association shall develop a procedure to monitor, record, and classify information relating to crimes apparently directed against racial, religious, ethnic, or handicapped groups. The procedure may be established within the association's incident-based reporting program, and the procedure shall be submitted to the senate law and justice committee and the house of representatives judiciary committee for approval by November 1, 1989, and before the association implements the procedure.

(2) All local law enforcement agencies shall report monthly to the association concerning all violations of RCW 9A.36.080 in such form and in such manner as prescribed by rules adopted by the association. Agency participation in the incident-based reporting program, with regard to the specific data requirements associated with violations of RCW 9A.36.080, shall be deemed to meet agency reporting requirements. The association must summarize the information received and file an annual report with the governor and the senate law and justice committee and the house of representatives judiciary committee.

(3) The association shall disseminate the information according to the provisions of chapter 10.97 RCW, chapter 10.98 RCW, and all other confidentiality requirements imposed by federal or Washington law.

(4) The criminal justice training commission shall provide training for law enforcement officers in identifying, responding to, and reporting all violations of RCW 9A.36.080.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void."

On page 1, line 1 of the title, after "bias;" strike the remainder of the title and insert "adding a new section to chapter 36.28A RCW; and creating a new section."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, P. King, Locke, Moyer, H. Myers, Patrick, Scott, Tate and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Brough, Hargrove, Inslee, R. Meyers, Schmidt and D. Sommers.

Voting nay: Representatives Crane, Vice Chair; Brough, Hargrove, Inslee, R. Meyers, Schmidt and D. Sommers.

Passed to Committee on Rules for second reading.

March 31, 1989

SSB 5087 Prime Sponsor, Committee on Environment & Natural Resources: Dealing with game and game fish. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Haugen, Smith, Spanel and Vekich.

Absent: Representatives Cole and Smith.

Referred to Committee on Appropriations.

March 29, 1989

ESSB 5107 Prime Sponsor, Committee on Children & Family Services: Regarding abuse or exploitation of vulnerable adults/registry. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 5, line 36, after "and all crimes" strike "of" and insert "relating to"

On page 6, line 1, after "RCW 43.43.830" insert "in which the victim was a vulnerable adult"

On page 7, line 11, after "crimes" strike "of" and insert "relating to"

On page 8, line 22, strike "involving" and insert "relating to"

On page 14, after line 16, insert the following:

* Sec. 13. Section 1, chapter 269, Laws of 1986 and RCW 43.20A.710 are each amended to read as follows:

The secretary shall investigate the conviction records, ((or)) pending charges or disciplinary board final decisions of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children, mentally ill persons or developmentally disabled persons. The investigation may include an examination of state and national criminal identification data and the child abuse and neglect register established under chapter 26.44 RCW. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose. If necessary, persons may be employed on a conditional basis pending completion of the background investigation."

On page 1, line 2 of the title, strike "and 43.43.715" and insert "43.43.715, and 43.20A.719"

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Inslee, P. King, Locke, Moyer, H. Myers, Patrick, Scott, D. Sommers and Tate.

MINORITY recommendation: Without recommendation. Signed by Representative Hargrove.

Absent: Representatives Brough, Schmidt and Tate.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5108 Prime Sponsor, Committee on Children & Family Services: Regarding visitation between an abused child and the abuser. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 10, chapter 460, Laws of 1987 and RCW 26.09.191 are each amended to read as follows:

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as

defined in RCW 26.50.010(1) ~~((or an act of domestic violence which rises to the level of a felony))~~ or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(2)(a) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: ~~((c))~~ (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; ~~((b))~~ (ii) physical, sexual, or a pattern of emotional abuse of a child; or ~~((c))~~ (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) ~~((or an act of domestic violence which rises to the level of a felony, unless))~~ or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(b) The limitations imposed by the court shall be reasonably calculated to protect the child from physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. If the court expressly finds limitation on the residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child.

(c) If the court expressly finds that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations ~~((or unless it is shown not to have had an impact on the child))~~ of (a) and (b) of this subsection, or if the court expressly finds the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a) and (b) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

(a) A parent's neglect or substantial nonperformance of parenting functions;

(b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;

(c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(d) The absence or substantial impairment of emotional ties between the parent and the child;

(e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;

(f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or

(g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

(5) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

Sec. 2. Section 44, chapter 460, Laws of 1987 and RCW 26.10.160 are each amended to read as follows:

(1) A parent not granted custody of the child is entitled to reasonable visitation rights ~~((unless the court finds, after a hearing, that visitation would endanger the child's physical, mental, or emotional health. The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances))~~ except as provided in subsection (2) of this section.

(2)(a) Visitation with the child shall be limited if it is found that the parent seeking visitation has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; or (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(b) The limitations imposed by the court shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting visitation. If the court expressly finds limitations on visitation with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting visitation, the court shall restrain the person seeking visitation from all contact with the child.

(c) If the court expressly finds that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a) and (b) of this subsection, or if the court expressly finds the parent's conduct did not have an impact on the child, then the court need not apply

the limitations of (a) and (b) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(3) Any person may petition the court for visitation rights at any time including, but not limited to, custody proceedings. The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.

(4) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child ((but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical, mental, or emotional health)). Modification of a parent's visitation rights shall be subject to the requirements of subsection (2) of this section."

On page 1, line 2 of the title, after "abuser;" strike the remainder of the title and insert "and amending RCW 26.09.191 and 26.10.160."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Brough, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Locke and Schmidt.

Passed to Committee on Rules for second reading.

March 30, 1989

2SSB 5111 Prime Sponsor, Committee on Ways & Means: Modifying work release provisions. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. A new section is added to chapter 72.65 RCW to read as follows:

(1) The department shall establish, by rule, inmate eligibility standards for participation in the work release program;

(2) The department shall:

(a) Conduct an annual examination of each work release facility and its security procedures;

(b) Investigate and set standards for the inmate supervision policies of each work release facility;

(c) Establish physical standards for future work release structures to ensure the safety of inmates, employees, and the surrounding communities;

(d) Evaluate its recordkeeping of serious infractions to determine if infractions are properly and consistently assessed against inmates eligible for work release;

(e) Report to the legislature on a case management procedure to evaluate and determine those inmates on work release who are in need of treatment. The department shall establish in the report a written treatment plan best suited to the inmate's needs, cost, and the relationship of community placement and community corrections officers to a system of case management;

(f) Adopt a policy to encourage businesses employing work release inmates to contact the appropriate work release facility whenever an inmate is absent from his or her work schedule. The department of corrections shall provide each employer with written information and instructions on who should be called if a work release employee is absent from work or leaves the job site without authorization; and

(g) Develop a sitting policy, in conjunction with cities, counties, community groups, and the department of community development for the establishment of additional work release facilities. Such policy shall include at least the following elements: (i) Guidelines for appropriate site selection of work-release facilities; (ii) notification requirements to local government and community groups of intent to site a work release facility; and (iii) guidelines for effective community relations by the work release program operator.

The department shall comply with the requirements of this section by July 1, 1990."

On page 1, line 1 of the title, after "release;" strike the remainder of the title and insert "and adding a new section to chapter 72.65 RCW."

Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member, Cantwell, Chandler, Morris, Prentice, D. Sommers, Sprenkle, Vekich and Wolfe.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5140 Prime Sponsor, Committee on Ways & Means: Changing provisions relating to state personnel administration. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

***PART I: COLLECTIVE BARGAINING**

NEW SECTION, Sec. 1. POLICY STATEMENT. It is the purpose of this chapter to promote orderly and constructive relationships between the state of Washington and its employees, and to assure the effective and orderly operations of state government.

Such a public policy is best effectuated by recognizing the principles of collective bargaining, and by granting state employees the right to organize for the purpose of negotiating wages, hours, and other terms and conditions of employment.

NEW SECTION, Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Agency' means any agency as defined in RCW 41.06.020 and covered by chapter 41.06 RCW.

(2) 'Arbitration' means the procedure whereby parties involved in an impasse mutually agree to submit their differences to a third party for a final and binding determination.

(3) 'Collective bargaining' means the performance of the mutual obligation of the representatives of the employer and the exclusive bargaining representative to meet at reasonable times and to bargain in good faith in an effort to reach agreement with respect to the subjects of bargaining specified under section 9 of this act.

(4) 'Commission' means the state employees' relations commission.

(5) 'Confidential employee' means an employee who, in the regular course of his or her duties, assists in a confidential capacity to persons who formulate, determine, and effectuate management policies with regard to labor relations or who, in the regular course of his or her duties, has authorized access to information relating to the effectuation or review of the employer's collective bargaining policies.

(6) 'Director' means the director of the state employees' relations commission.

(7) 'Employee' means any employee, including employees whose work has ceased in connection with the pursuit of lawful activities protected by this chapter, covered by chapter 41.06 RCW, except confidential employees.

(8) 'Employee organization' means any organization, union, or association which exists for the purpose, in whole or in part, of collective bargaining with employers.

(9) 'Employer' means the state of Washington.

(10) 'Essential employee' means any employee performing functions so essential that the interruption or termination of the function will constitute a clear and present danger to the health and safety of the state.

(11) 'Exclusive bargaining representative' means any employee organization that has been certified or recognized under the provisions of this chapter as the representative of the employees in an appropriate bargaining unit.

(12) 'Institutions of higher education' means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(13) 'Labor dispute' means any controversy concerning terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(14) 'Supervisor' means any employee having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(15) 'Unfair labor practice' means any unfair labor practice listed in section 17 of this act.

NEW SECTION, Sec. 3. STATE EMPLOYEES' RELATIONS COMMISSION. (1) There is created the state employees' relations commission to administer the provisions of this chapter. The commission shall consist of three members who shall be appointed by the governor. One of the original members shall be appointed for a term of two years, one for a term of three years, and one for a term of four years. Their successors shall be appointed for terms of four years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he or she succeeds. Commission members shall be eligible for reappointment. Persons so appointed shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to the appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no

other cause. Commission members shall not be eligible for state retirement under chapter 41.40 RCW by virtue of their service on the commission.

(2) In making member appointments initially, and subsequently thereafter, the governor shall appoint persons knowledgeable in the area of labor relations and personnel practices. Persons with experience in negotiating labor contracts are eligible for appointment only if the experience includes negotiations on behalf of both employers and employees.

(3) A vacancy in the commission shall not impair the right of the remaining members to exercise all of the powers of the commission, and two members of the commission shall, at all times, constitute a quorum of the commission.

(4) At its first meeting following the appointment of all of its members, and annually thereafter, the commission shall elect a chair and vice-chair from among its members to serve one year.

NEW SECTION, Sec. 4. COMMISSION COMPENSATION. (1) Each member of the commission shall be compensated in accordance with RCW 43.03.250. Members of the commission shall also be reimbursed for travel expenses incurred in the discharge of their official duties on the same basis as is provided in RCW 43.03.050 and 43.03.060.

(2) The commission shall appoint a director whose annual salary shall be determined under the provisions of RCW 43.03.028. The director shall perform such duties and have such powers as the commission shall prescribe in order to implement and enforce the provisions of this chapter. In addition to the performance of administrative duties, the commission may delegate to the director authority with respect to, but not limited to, representation proceedings, unfair labor practice proceedings, mediation of labor disputes, arbitration of disputes concerning the interpretation or application of a collective bargaining agreement, and, in certain cases, fact-finding or arbitration of disputes concerning the terms of a collective bargaining agreement. Such delegation shall not eliminate a party's right of appeal to the commission. The director, with such assistance as may be provided by the attorney general and such additional legal assistance consistent with chapter 43.10 RCW, shall have authority on behalf of the commission, when necessary to carry out or enforce any action or decision of the commission, to petition any court of competent jurisdiction for an order requiring compliance with the action or decision.

(3) The commission shall employ such employees as it may from time to time find necessary for the proper performance of its duties, consistent with the provisions of this chapter.

(4) The payment of all of the expenses of the commission, including travel expenses incurred by the members or employees of the commission under its orders, shall be subject to the provisions of RCW 43.03.050 and 43.03.060.

NEW SECTION, Sec. 5. COMMISSION DUTIES. (1) It shall be the duty of the commission, in order to prevent or minimize interruptions growing out of labor disputes, to assist employers and employees to settle such disputes through mediation.

(2) The commission, through the director, may provide its services in any state employee labor dispute either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment the dispute threatens to cause a substantial disruption to the public welfare.

(3) If the director is not able to bring the parties to agreement by mediation within a reasonable time, he or she shall seek to induce the parties to voluntarily seek other means of settling the dispute without resort to strike or other coercion, including submission to the employees in the bargaining unit of the employer's last offer of settlement for approval or rejection in a secret ballot. The failure or refusal of either party to agree to any procedure suggested by the director shall not be deemed a violation of any duty or obligation imposed by this chapter.

NEW SECTION, Sec. 6. COMMISSION AUTHORITY. (1) The commission shall have authority to adopt rules in accordance with chapter 34.05 RCW as necessary to carry out the provisions of this chapter, consistent with the best standards of labor management relations.

(2) The commission shall adopt rules providing for employee participation in the development and administration of this chapter. To assure this right, the commission shall act on rules or rule changes only after the commission has given thirty days notice to, and considered proposals from, employee representatives and affected agencies. Complete and current compilations of all rules of the commission in printed form shall be available to the public free of charge.

NEW SECTION, Sec. 7. RIGHTS OF EMPLOYEES. Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and to engage in other lawful concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all such activities except to the extent that employees may be required to pay a fee to an exclusive bargaining representative under a union security provision authorized by this chapter.

NEW SECTION, Sec. 8. MANAGEMENT RIGHTS. Nothing in this chapter shall interfere with the right of the employer to carry out the statutory mandate and goals assigned to the agency using personnel, methods, and means in the most appropriate and efficient manner possible.

The employer shall not be required to bargain over matters of inherent managerial policy, which shall include such areas of discretion or policy as the functions of the employer, standards of services, its overall budget, the organizational structure, and selection of new employees and direction of employees.

NEW SECTION. Sec. 9. SCOPE OF BARGAINING. (1) Except as otherwise provided in this section, the subjects of bargaining shall include wages, hours, and other terms and conditions of employment, and the negotiation of any question arising under a collective bargaining agreement.

(2) The scope of bargaining shall not include matters pertaining to:

(a) Recruitment of employment candidates, conduct and grading of examinations, rating of candidates, maintenance of eligible lists, and original appointments from eligible lists; and

(b) Retirement benefits.

(3) The employer and the exclusive bargaining representative shall not agree to any proposal that would be inconsistent with the principle of comparable worth embodied in RCW 41.06.155.

(4) In case of any conflict between the provisions of this chapter and any other law, executive order, administrative rule, or agency policy relating to wages, hours, and conditions of employment or personnel relations, the provisions of this chapter or any collective bargaining agreement negotiated under this chapter shall prevail.

NEW SECTION. Sec. 10. CONTENTS OF COLLECTIVE BARGAINING AGREEMENTS. (1) A collective bargaining agreement shall contain provisions that:

(a) Provide for mandatory arbitration of grievances arising under the collective bargaining agreement, in accordance with section 11 of this act;

(b) Require layoffs and subsequent reemployment to be implemented according to seniority;

(c) Provide for reopening of the agreement during its term in accordance with section 16(5) of this act, if a reduction of allotments is ordered by the governor pursuant to RCW 43.88.110(2); and

(d) Make the agreement effective for periods coinciding with the fiscal biennium of the state.

(2) Where an employee covered by this chapter has a right to contest a disciplinary action or termination of employment under the provisions of any statute or administrative rule, any collective bargaining agreement provision permitting the employee to contest the disciplinary action or termination of employment through the grievance procedure and arbitration shall specify an election of remedies by the employee such that the matter be resolved entirely under the procedures of the collective bargaining agreement or entirely under the procedures of the applicable statute or rule. Any employee, when fully reinstated after appeal under either remedy, shall be guaranteed all employee rights and benefits, including back pay, sick leave, vacation accrual, retirement, and OASDI credits.

(3) Whenever a collective bargaining agreement between an employer and an exclusive bargaining representative is concluded after the termination date of the previous collective bargaining agreement between the employer and an employee organization representing the same or a substantially similar bargaining unit, the effective date of the collective bargaining agreement shall be the day after the termination of the previous collective bargaining agreement, and all benefits included in the new collective bargaining agreement, including wage or salary increases, shall accrue beginning with such effective date.

NEW SECTION. Sec. 11. ENFORCEMENT OF COLLECTIVE BARGAINING AGREEMENTS. (1) Every collective bargaining agreement negotiated pursuant to the provisions of this chapter shall contain provisions for the final and binding arbitration of grievances.

(2) The parties to a collective bargaining agreement may agree on one or more permanent umpires to serve as arbitrator, or may agree on any impartial person to serve as arbitrator, or may agree to select arbitrators from any source available to them, including federal and private agencies, in addition to the staff and dispute resolution panel maintained by the commission.

(3) An arbitrator may require any person to attend as a witness and to bring with him or her any book, record, document, or other evidence. The fees for such attendance shall be paid by the party requesting issuance of the subpoena and shall be the same as the fees of witnesses in the superior court. Arbitrators shall have the power to administer oaths. Subpoenas shall issue and be signed by the arbitrator or the director and shall be served in the same manner as subpoenas to testify before a court of record in this state. If any person so summoned to testify shall refuse or neglect to obey such subpoena, upon petition authorized by the arbitrator or director, the superior court may compel the attendance of such person before the arbitrator or punish said person for contempt in the same manner provided for the attendance of witnesses or the punishment of them in the courts of this state.

(4) The arbitrator shall appoint a time and place for the hearing and notify the parties thereof, and may adjourn the hearing from time to time as may be necessary, and, on application of either party and for good cause, may postpone the hearing to a time not extending beyond the date fixed by the collective bargaining agreement for making the award. The

arbitration award shall be in writing and signed by the arbitrator or a majority of the members of the arbitration panel. The arbitrator shall, promptly upon its rendition, serve a true copy of the award on each of the parties or their attorneys.

(5) If a party to a collective bargaining agreement negotiated pursuant to the provisions of this chapter refuses to submit a grievance for arbitration, the other party to the collective bargaining agreement may invoke the jurisdiction of the superior court for any county in which the labor dispute exists and such court shall have jurisdiction to issue an order compelling arbitration. Disputes concerning compliance with grievance procedures shall be reserved for determination by the arbitrator. Arbitration shall be ordered if the grievance states a claim which on its face is covered by the collective bargaining agreement, and doubts as to the coverage of the arbitration clause shall be resolved in favor of arbitration.

(6) If a party to a collective bargaining agreement negotiated pursuant to the provisions of this chapter refuses to comply with the award of an arbitrator determining a grievance arising under such collective bargaining agreement, the other party to the collective bargaining agreement, or any affected employee may invoke the jurisdiction of the superior court for Thurston county or any county in which the labor dispute exists and such court shall have jurisdiction to issue an order enforcing the arbitration award. The court shall not substitute its judgment for that of the arbitrator and shall enforce any arbitration award which is based on the collective bargaining agreement, except that an arbitration award shall not be enforced and a new arbitration proceeding may be ordered if:

(a) The award was procured by corruption, fraud, or undue means;

(b) The arbitrator or arbitrators were guilty of misconduct, in refusing to postpone a hearing upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy, or of any other misbehavior by which the rights of any party have been prejudiced; or

(c) The arbitrator or arbitrators have exceeded their powers, or so imperfectly executed them that a final and definite award on the subject matter was not made, in which event the court shall also have discretion to remand the matter to the arbitrator or arbitrators who issued the defective award.

NEW SECTION, Sec. 12. REPRESENTATION. (1) The commission shall certify an employee organization as the exclusive bargaining representative of the employees of a bargaining unit when the organization shows proof that it represents a majority of the employees at the close of the last preceding payroll period and such proof is not contested by the agency that is the appointing authority, the director, or any other interested party. Prior to certification, the commission shall give ten calendar days' notice that an employee representative has petitioned to be named the exclusive bargaining representative of a bargaining unit. The notice shall inform all other interested parties that an election may be requested as provided in this section and that the proof of representation may be contested. If proof of representation is not satisfactory to the commission, the commission may require an election to be held.

(2) The commission shall conduct a secret vote for selection of an exclusive bargaining representative of the employees of a bargaining unit upon request from an employee organization showing satisfactory proof of at least thirty percent representation within the unit at the close of the last preceding payroll period. Upon granting a request for an election, the commission shall give notice of the election and allow ten calendar days for other employee organizations desiring their names placed on the ballot to show satisfactory proof of at least ten percent representation within the unit at the close of the last preceding payroll period.

(3) The commission, after consultation with interested employee organizations and the appointing authority, shall set forth procedures for the conduct of the election and shall distribute sample ballots. The ballot shall contain the name of the requesting employee organization and the name of any other employee organization showing satisfactory proof of at least ten percent representation within the unit and shall provide a choice for any employee within the unit to designate that he or she does not desire any representation. Where more than one organization is on the ballot and none of the choices receives a majority of all votes cast in such election, a run-off election shall be held. The run-off ballot shall contain the two choices which received the largest and the second largest number of votes.

(4) An employee organization receiving a majority of all votes cast in such an election, or run-off election, shall be certified by the commission as the exclusive bargaining representative of the employees of the bargaining unit. If no employee organization receives a majority of votes cast, the commission shall issue notification to that effect.

(5) When an employee organization has been certified as the exclusive bargaining representative of the employees of a bargaining unit, the employee organization shall be entitled to act for and to negotiate collective bargaining agreements covering all employees in the bargaining unit. The certified exclusive bargaining representative shall be responsible for representing the interests of all the employees in the bargaining unit.

(6)(a) Upon petition to the commission by no less than thirty percent of the employees of a bargaining unit, decertification or a new certification shall be determined by an election as prescribed in subsection (8) of this section. However, no question concerning representation may be raised if:

- (i) Less than twelve months have elapsed since the last certification or election; or
- (ii) A valid collective bargaining agreement exists for the unit, except for that period of no more than ninety calendar days nor less than sixty calendar days prior to the expiration of the contract.
- (b) The election shall be conducted at the close of the contract term, or at an appropriate time, if no contract exists for the unit.
- (c) To provide that certification and decertification elections are truly representative of the desires of the employees and that all employees eligible to vote have every opportunity to do so, employee participation in these elections shall be encouraged to the greatest extent possible.
- (7) The commission shall administer all elections and be responsible for the processing and adjudication of all disputes that arise as a consequence of elections.
- (8) The commission shall conduct decertification or new certification elections in accordance with the requirements of this subsection.
- (a) Upon being notified by the commission that a valid petition for an election has been received, the affected appointing authority shall submit to the commission, the petitioning party, and exclusive bargaining representative, if any, a list of all employees included in the bargaining unit as of the preceding payroll period. This list shall contain the employees' names, job classifications, work locations, and home mailing addresses. For purposes of an election, the commission shall also provide such listing to an affected employee organization that has submitted proof that it represents at least ten percent of the employees in the bargaining unit.
- (b) Upon receipt of a valid petition for an election, the commission shall conduct a pre-election conference that shall include representatives of the appointing authority, the employee organization, and the petitioning party. At the pre-election conference, determinations shall be made on such matters as method of balloting, date of election, absentee voting, eligibility of voters, locations, personnel at each election site, campaign activities, and any other matter that should be resolved concerning that election. Following the pre-election conference, the commission shall establish rules and procedures for holding the election.
- (c) At least ten days prior to the scheduled date, the commission shall distribute a notice of election for posting in the work areas of affected employees. The notice shall contain information regarding the date, time, and location of balloting, the rules and procedures established for the election, and a sample ballot.
- (d) To the extent feasible, as determined by the commission, on-site voting shall take place during the employees' regular work schedules. Eligible voters shall be given ample opportunity to vote during work time while the polls are open.
- (e) An employee who cannot appear at the voting site on the date of the vote may vote by absentee ballot. A request for an absentee ballot shall be submitted to the commission prior to the close of voting at the employee's voting site. To be counted, absentee ballots shall be post-marked within five calendar days of the close of the polls and shall be received by the commission within ten calendar days of the close of the polls.
- (f) Employees on leave of absence without pay for the entire calendar month preceding the start of the balloting shall not be eligible to vote.
- (g) Rules governing campaign activities shall be determined at the pre-election conference. Employees included in the affected bargaining unit and representatives of the petitioning party and the affected employee organization shall have the right to conduct such activities on the employer's grounds during work hours so long as the work of the employee and the operation of the employer are not disturbed.
- (h) Each party to an election may have one observer present during on-site voting to assist the election agent in identifying eligible voters. An employee who serves as such an observer shall be released with pay from duties normally performed during his or her work hours.
- (i) The commission shall maintain the official voter eligibility list and shall provide a copy of that list to each party. The official observer for either party may bring a copy of that list to the on-site polling place for his or her own use, provided such use does not interfere with the conduct of the election.
- (j) Within five working days of the date of the tally of the ballots, the petitioning party, the affected employee organization, or an employee in the bargaining unit may file objections to the election. The objections shall be in writing and shall be received by the commission within the five working day period. The commission shall investigate and determine an appropriate remedy if the objection is found to be meritorious.
- (9) Any violation of these rules should be immediately reported to the commission. Upon receiving a complaint, the commission shall immediately investigate and, if necessary, take steps to stop the violation. If the commission finds that violations of these rules or the pre-election agreements have affected the outcome of the election, the commission may invalidate the election, order a new election, or take other appropriate remedial action.

NEW SECTION, Sec. 13. BARGAINING UNITS. In any dispute concerning the unit appropriate for collective bargaining or the allocation of employees or positions to bargaining units, the commission, after hearing, shall determine the dispute, taking into consideration the duties,

skills, and working conditions of the employees; the history of collective bargaining; the extent of organization among the employees; and the desires of the employees, except that a unit shall not be considered appropriate if it includes:

(1) Both supervisors and nonsupervisory employees. A unit that includes only supervisors may be considered appropriate if a majority of the supervisory employees indicate by vote that they desire to be included in such unit; or

(2) More than one institution of higher education. For the purposes of this section, any branch or regional campus of an institution of higher education is part of that institution of higher education.

In any case in which the commission includes as part of a bargaining unit employees that were in a unit existing prior to the effective date of this act, the commission shall notify the affected employees. The commission shall not include the affected employees in the bargaining unit created by the commission unless a majority of the affected employees vote to be included.

NEW SECTION. Sec. 14. UNION SECURITY. (1) The employer shall require as a condition of employment the payment no later than the thirtieth day following the beginning of employment of a union shop fee to the employee organization that, in accordance with the provisions of this chapter, is duly recognized by the employer or designated by the commission as the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may obtain a rebate of that part of the union shop fee, if any, that represents a pro rata share of expenditures for purposes not germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.

(3) To safeguard the right of nonassociation of employees, based on bona fide religious tenets or teachings of a church or religious body of which the employee is a member, such employee shall pay to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience, an amount of money equivalent to the union shop fee minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

NEW SECTION. Sec. 15. TRANSITION OF EXISTING EXCLUSIVE BARGAINING REPRESENTATIVES AND BARGAINING UNITS. The transition of exclusive bargaining representatives and bargaining units existing prior to the effective date of this act to the units prescribed in section 13 of this act and to exclusive bargaining representatives under this chapter shall be implemented as follows:

(1)(a) When the employees in a bargaining unit or units existing prior to the effective date of this act and represented by a single certified exclusive bargaining representative comprise a majority of the employees to be included in a bargaining unit prescribed in section 13 of this act, then the certified exclusive bargaining representative for the existing unit or units shall be entitled to a certification by the commission for the new bargaining unit without the necessity of a representation election.

(b) When the employees in two or more bargaining units existing prior to the effective date of this act are represented by two or more certified exclusive bargaining representatives that together comprise at least eighty percent of the employees to be included in a bargaining unit prescribed in section 13 of this act, an election shall be held between the certified exclusive bargaining representatives for the existing units to determine which should be certified by the commission as the exclusive bargaining representative for the new bargaining unit. The competing bargaining representatives shall be the only choices on the ballot. If either of the competing bargaining representatives disclaims an interest in certification for the new bargaining unit, the remaining bargaining representative, if it represents a majority of the employees to be included in the new bargaining unit, shall be entitled to a certification by the commission for the new bargaining unit without the necessity of a representation election. The disclaimer shall be in writing and submitted to the competing bargaining representative and the commission.

(c) When, on the effective date of this act, less than a majority of the employees to be included in a bargaining unit prescribed in section 13 of this act are represented by existing certified bargaining representatives, representation of employees in the new bargaining unit shall be determined pursuant to section 12 of this act.

(2) Any employee organization that prior to the effective date of this act has been the exclusive bargaining representative of any employees may disclaim any interest in representation of the employees. The disclaimer shall be in writing and submitted to the competing exclusive bargaining representative and the commission.

NEW SECTION. Sec. 16. NEGOTIATION AND RATIFICATION OF COLLECTIVE BARGAINING AGREEMENTS. (1) Collective bargaining agreement negotiations under this chapter shall commence on July 1, 1990, and, thereafter, on July 1 of each even-numbered year. For the purpose of negotiating collective bargaining agreements other than supplemental agreements, the employer shall be represented by the governor's office. Supplementary bargaining with agencies is authorized on behalf of employees in part of a bargaining unit concerning matters uniquely affecting the employees. Nothing in this chapter shall prohibit cooperation and coordination of bargaining between two or more bargaining units.

(2) Any collective bargaining agreement reached between the employer and the exclusive representative shall be subject to ratification by the employees concerned. The agreement shall be reduced to writing and executed by both parties. Except as provided in subsection (3) of this section, agreements shall be effective for two years from July 1 of the odd-numbered year through and including June 30 of the next odd-numbered year, to correspond with the state's fiscal biennium.

(3) Agreements may provide that compensation and fringe benefit provisions are effective for the first year of the contract only. In such a case, negotiations on compensation and fringe benefit provisions for the second year of the contract shall commence on July 1 of the first odd-numbered year preceding the year of the contract expiration.

(4) The governor's office shall submit a request for funds necessary to implement the compensation and fringe benefit provisions in an agreement and for approval by the legislature of these funds within ten days of the date on which the parties ratify the agreement or, if the legislature is not in session, within ten days after the legislature convenes. The legislature shall approve or reject the submission of the request for funds as a whole and the submission shall be deemed approved if the legislature fails to act by March 31 of the odd-numbered year in which the contract will become effective. If the legislature rejects the submission, either party may reopen all or part of the agreement.

(5) If, after the compensation and fringe benefit provisions are approved by a legislature, a significant revenue shortfall occurs resulting in reduction of allotments by the governor pursuant to RCW 43.88.110(2), the parties may reopen the contract and renegotiate all or part of the agreement to ensure continuation of an adequate level of service to meet the state's needs.

NEW SECTION. Sec. 17. UNFAIR LABOR PRACTICES ENUMERATED. (1) It shall be an unfair labor practice for an employer to:

(a) Interfere with, restrain, or coerce employees in the exercise of their rights guaranteed by this chapter:

(b) Control, dominate, or interfere with an exclusive bargaining representative;

(c) Discriminate against an employee who has filed an unfair labor practice charge; or

(d) Refuse to engage in collective bargaining.

(2) It shall be an unfair labor practice for an exclusive bargaining representative to:

(a) Interfere with, restrain, or coerce employees in the exercise of their rights guaranteed by this chapter:

(b) Induce the employer to commit an unfair labor practice;

(c) Discriminate against an employee who has filed an unfair labor practice charge; or

(d) Refuse to engage in collective bargaining.

NEW SECTION. Sec. 18. UNFAIR LABOR PRACTICE PROCEDURES. (1) The commission is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. A complaint shall not be processed for any unfair labor practice occurring more than six months before the filing of the complaint with the commission. This power shall not be affected or impaired by any means of adjustment, mediation, or conciliation in labor disputes that have been or may hereafter be established by law.

(2) Whenever a complaint is filed concerning any unfair labor practice, the commission shall have power to issue and cause to be served a notice of hearing before the commission at a place therein fixed to be held not less than seven days after the serving of the complaint. Any such complaint may be amended by the commission any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint. In the discretion of the commission, any other person may be allowed to intervene in the proceedings and to present testimony. In any such proceeding the commission shall not be bound by technical rules of evidence prevailing in the courts of law or equity.

(3) For the purpose of all hearings and investigations, which, in the opinion of the commission, are necessary and proper for the exercise of the powers vested in it by this section, the commission shall at all reasonable times have access to, for the purposes of examination, and

the right to examine, copy, or photograph any evidence, including payrolls or lists of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the commission. The commission, or any agent or agency designated by the commission for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence.

(4) The commission, or any party to the commission proceedings, thirty days after the commission has entered its findings of fact, shall have power to petition the superior court of Thurston county or the superior court within the county where the unfair labor practice in question occurred or where any person charged with the unfair labor practice resides or transacts business, or if such court be on vacation or in recess, then to the superior court of any county adjoining the county where the unfair labor practice in question occurred or where any person charged with the unfair labor practice resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was made and the findings and order of the commission. Upon filing the record, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the commission.

NEW SECTION, Sec. 19. RIGHT TO STRIKE. It is lawful for an employee, except an essential employee covered by section 20 of this act, to participate in a strike if:

(1) The employee is included in a bargaining unit for which an exclusive bargaining representative has been certified by the commission;

(2) The employer and the exclusive bargaining representative have not mutually agreed to submit the dispute to final and binding arbitration;

(3) The exclusive bargaining representative has requested a mediator for the purpose of mediation or conciliation of the dispute and the parties have participated in good faith mediation; and

(4) The exclusive bargaining representative has given ten days' notice of its intent to strike to the commission and the public employer.

A strike or other concerted activity permitted under this section shall not restrict access to the workplace through a separate entrance marked and set apart for essential employees who are not authorized to strike under section 20 of this act.

NEW SECTION, Sec. 20. INTEREST ARBITRATION IN CERTAIN DISPUTES. (1) The uninterrupted and dedicated service of certain classes of state employees is so vital to the welfare and public safety of the citizens of the state of Washington that the usual procedures of collective bargaining shall be suspended under certain circumstances and an alternative means of settling such disputes be substituted, as provided in this section. Employee strikes arising from disputes regulated by this section are hereby expressly prohibited.

(2) The procedures of this section are applicable only to essential employees.

(3) If no agreement has been reached sixty days after the commencement of negotiations between an employer and the exclusive bargaining representative of a bargaining unit of employees covered by this section, then, at any time thereafter, either party may declare that an impasse exists and may submit the dispute to the commission for mediation, with or without the concurrence of the other party.

(4) If an agreement has not been reached following a reasonable period of negotiations and mediation, and the parties remain at impasse, then either party may request an interest arbitrator to resolve the dispute. The issues for determination by the interest arbitrator shall be limited to the issues at impasse in the mediation proceedings.

(5) Within seven days of either party's request for arbitration, the commission shall submit three arbitrators' names to the parties. Each party shall strike one name from the list. The remaining arbitrator shall be appointed as the arbitrator. Each party shall share equally in paying the fees and expenses of the arbitrator.

(6) Within seven days following the designation of the arbitrator, each party shall file with the arbitrator and the commission and serve on the opposite party, the complete written proposals it intends to submit to interest arbitration.

(7) The arbitrator shall promptly establish a date, time, and place for hearing and shall provide reasonable notice thereof to the parties to the dispute. A hearing, which shall be informal, shall be held, and each party shall have the opportunity to present evidence and make argument. The arbitrator may not act as a witness or present the case for a party to the proceedings. The rules of evidence prevailing in judicial proceedings may be considered, but are not binding. Any oral testimony or documentary evidence or other data deemed relevant by the arbitrator may be received in evidence. A recording of the proceedings shall be taken. The arbitrator shall have the power to administer oaths, require the attendance of witnesses,

and require the production of books, papers, contracts, agreements, and documents deemed to be material to a just determination of the issues in dispute. If any person refuses to obey a subpoena issued by the arbitrator or refuses to be sworn or to make an affirmation to testify, or any witness, party, or attorney for a party is guilty of any contempt while in attendance at any hearing held hereunder, the arbitrator or any party may invoke the jurisdiction of the superior court of Thurston county, and the court shall have jurisdiction to issue an appropriate order. Any failure to obey such order may be punished by the court as a contempt thereof. The hearing conducted by the arbitrator shall be concluded within twenty-five days following the designation of the arbitrator unless the parties agree to a longer period.

(8) The arbitrator shall, within thirty days following the conclusion of the hearing, make written findings of fact and a written determination of the issues in dispute, based on the evidence presented. The parties may agree, prior to the close of the hearing before the arbitrator, to limit the arbitrator to selecting: (a) Between the entire final offer of the employer presented by the employer to the mediator and to the exclusive bargaining representative at the close of the mediation proceedings or the entire final offer of the exclusive bargaining representative as presented by the exclusive bargaining representative to the mediator and to the employer at the close of the mediation proceedings; or (b) on each impasse item, between the final offers of the parties as presented to the mediator and the other party at the close of the mediation proceedings. A copy of the interest arbitration award shall be served on the commission and on each of the parties to the dispute. The determination shall be final and binding upon both parties.

(9) In making the determination, the arbitrator shall be mindful of the legislative purpose enumerated in this section and, as additional standards or guidelines to aid it in reaching a decision, shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer;

(b) Stipulations of the parties;

(c) Comparison of the wages, hours, and conditions of employment of the employees involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like employers;

(d) The average consumer prices for goods and services, commonly known as the cost of living;

(e) Changes in any of the foregoing circumstances during the pendency of such proceedings; and

(f) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours, and conditions of employment.

(10) In the performance of his or her duties under this chapter, the arbitrator exercises a state function and is, for the purposes of this chapter, a state agency. The provisions of chapter 34.05 RCW do not apply to proceedings before an interest arbitrator.

(11) Except as ordered through proceedings before an interest arbitrator, existing wages, hours, and other terms and conditions of employment shall not be changed by action of either party without the consent of the other, but a party may so consent without prejudice to its rights or position under this section.

(12) If a party to negotiations subject to this section refuses to submit to the procedures set forth in this section, the other party or the commission, on its own motion, may invoke the jurisdiction of the superior court for Thurston county and the court shall have jurisdiction to issue an appropriate order. A failure to obey such order may be punished by the court as a contempt thereof.

NEW SECTION, Sec. 21. COURT JURISDICTION. Unless specifically provided otherwise, nothing in this chapter shall prohibit any party to a collective bargaining agreement from seeking enforcement of the rights granted under this chapter in a court of competent jurisdiction.

NEW SECTION, Sec. 22. A new section is added to chapter 41.06 RCW to read as follows:

(1) In addition to the exemptions set forth in RCW 41.06.070, the following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution and related boards, all presidents, vice-presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairpersons; academic personnel; executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(b) The director, the director's confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(c) The governing board of each institution, and related boards, may also exempt from this chapter, subject to the employees' right of appeal to the state personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic

divisions, as determined by the higher education personnel board: PROVIDED, That no nonacademic employee engaged in office clerical, maintenance, or food and trade services may be exempted by the state personnel board under this provision.

(2) For the purposes of this section, 'related boards' means the state board for community college education and such other boards, councils, and commissions related to higher education as may be established.

NEW SECTION. Sec. 23. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter do not apply to printing craft employees in the department of printing of the University of Washington.

NEW SECTION. Sec. 24. A new section is added to chapter 41.06 RCW to read as follows:

In case of any conflict between the provisions of this chapter or administrative rules adopted under this chapter and the provisions of chapter 41.-- RCW (sections 1 through 21 of this act) or a collective bargaining agreement negotiated under chapter 41.-- RCW (sections 1 through 21 of this act), the provisions of chapter 41.-- RCW (sections 1 through 21 of this act) or the collective bargaining agreement shall prevail.

NEW SECTION. Sec. 25. A new section is added to chapter 41.06 RCW to read as follows:

The board may appoint one or more hearings examiners to preside over, conduct, and make recommended decisions, including findings of fact and conclusions of law in all cases of employee appeals to the board. The hearings examiner shall conduct hearings in the same manner and shall have the same authority as provided in hearings by the board. The recommended decisions shall be forthwith served upon the parties and transmitted to the board together with the record of the evidence. Within thirty days of service of the recommended decision, any party adversely affected may file exceptions, and thereafter all parties may present written and oral argument to the board, which shall consider the whole record or such portions of the record as may be cited by the parties.

NEW SECTION. Sec. 26. A new section is added to chapter 41.06 RCW to read as follows:

(1) In all appeals over which the board has jurisdiction involving reduction, dismissal, suspension, or demotion, the board shall set the case for hearing, and the final decision, including an appeal to the board from the hearing examiner, if any, shall be rendered within ninety days from the date the appeal was first received. An extension may be permitted if agreed to by the employee and the employing agency. The board shall furnish the agency with a copy of the appeal in advance of the hearing.

(2) In all appeals made pursuant to RCW 41.06.170(3), the decision of the board is final and not appealable to court.

NEW SECTION. Sec. 27. A new section is added to chapter 41.06 RCW to read as follows:

Hearings on appeals shall be open to the public, except for cases in which the board determines there is substantial reason for not having an open hearing or in cases where the employee so requests, and shall be informal with technical rules of evidence not applying to the proceedings except the rules of privilege recognized by law. Both the employee and his or her appointing agency shall be notified reasonably in advance of the hearing and may select representatives of their choosing, present and cross-examine witnesses, and give evidence before the board.

(2) Members of the board or the director may, and shall at the request of either party, issue subpoenas and subpoenas duces tecum. All testimony shall be on oath administered by a member of the board. The board shall certify to the superior court the facts of any refusals to obey a subpoena, take the oath, or testify. The court shall summarily hear the evidence on such refusal and, if the evidence warrants, punish such refusal in the same manner and to the same extent as for contempt committed before, or in connection with the proceedings of, the court.

(3) The board shall prepare an official record of the hearing, including all testimony, recorded manually or by mechanical device, and exhibits; but it may not be required to transcribe such record unless requested by the employee, who shall be furnished with a complete transcript upon payment of a reasonable charge. However, payment of the cost of a transcript used on appeal shall await determination of the appeal and shall be made by the employing agency if the employee prevails.

(4) Within thirty days after the conclusion of the hearing, the board shall make and fully record in its permanent records the following: (a) Findings of fact; (b) conclusions of law when the construction of a rule or statute is in question; (c) reasons for the action taken; and (d) the board's order based thereon. The order is final, subject to action by the court on appeal as provided in this chapter.

(5) The board shall simultaneously send a copy of the findings, conclusions, and order by certified mail to the employing agency and to the employee or the employee's designated representative.

NEW SECTION. Sec. 28. A new section is added to chapter 41.06 RCW to read as follows:

(1) Within thirty days after the recording of the order and the mailing thereof, the employee may appeal the decision and order of the board on appeals made pursuant to RCW

41.06.170(2) to the superior court of Thurston county on one or more of the grounds that the order was:

(a) Founded on or contained an error of law, which shall specifically include error in construction or application of any pertinent rules;

(b) Contrary to a preponderance of the evidence as disclosed by the entire record with respect to any specified finding or findings of fact;

(c) Materially affected by unlawful procedure;

(d) Based on violation of any constitutional provision; or

(e) Arbitrary or capricious.

(2) Such grounds shall be stated in a written notice of appeal filed with the court, with copies thereof served on a member of the board or the director and on the employing agency, all within the time stated.

(3) Within thirty days after service of such notice, or within such further time as the court may allow, the board shall transmit to the court a certified transcript, with exhibits, of the hearing; but by stipulation between the employing agency and the employee the transcript may be shortened, and either party unreasonably refusing to stipulate to such limitation may be ordered by the court to pay the additional cost involved. The court may require or permit subsequent corrections or additions to the transcript.

(4) The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that, in case of alleged irregularities in procedure before the board not shown by the transcript, the court may order testimony to be given thereon. The court shall upon request by either party hear oral argument and receive written briefs.

(5) The court may affirm the order of the board, remand the matter for further proceedings before the board, or reverse or modify the order if it finds that the objection to the order is well taken on any of the grounds stated. Appellate review of the order of the superior court may be sought as in other civil cases.

Sec. 29. Section 15, chapter 234, Laws of 1959 as last amended by section 103, chapter 288, Laws of 1988 and RCW 34.05.030 are each amended to read as follows:

(1) This chapter shall not apply to:

(a) The state militia, or

(b) The board of clemency and pardons, or

(c) The department of corrections or the indeterminate sentencing review board with respect to persons who are in their custody or are subject to the jurisdiction of those agencies.

(2) The provisions of RCW 34.05.410 through 34.05.594 shall not apply:

(a) To adjudicative proceedings of the board of industrial insurance appeals;

(b) Except for actions pursuant to chapter 46.29 RCW, to the denial, suspension, or revocation of a driver's license by the department of licensing;

(c) To the department of labor and industries where another statute expressly provides for review of adjudicative proceedings of a department action, order, decision, or award before the board of industrial insurance appeals;

(d) To actions of the state personnel board (~~the higher education personnel board, or the personnel appeals board~~) or the state employees' relations commission; or

(e) To the extent they are inconsistent with any provisions of chapter 43.43 RCW.

(3) Unless a party makes an election for a formal hearing pursuant to RCW 82.03.140 or 82.03.190, RCW 34.05.410 through 34.05.494 do not apply to a review hearing conducted by the board of tax appeals.

(4) All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act.

Sec. 30. Section 5, chapter 59, Laws of 1969 as last amended by section 19, chapter 107, Laws of 1988 and RCW 41.04.230 are each amended to read as follows:

Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct from the salaries or wages of the officers or employees, the amount or amounts of subscription payments, premiums, contributions, or continuation thereof, for payment of the following:

(1) Credit union deductions: PROVIDED, That the credit union is organized solely for public employees: AND PROVIDED FURTHER, That twenty-five or more employees of a single state agency or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same credit union.

(2) Parking fee deductions: PROVIDED, That payment is made for parking facilities furnished by the agency or by the department of general administration.

(3) U.S. savings bond deductions: PROVIDED, That a person within the particular agency shall be appointed to act as trustee. The trustee will receive all contributions; purchase and deliver all bond certificates; and keep such records and furnish such bond or security as will render full accountability for all bond contributions.

(4) Board, lodging or uniform deductions when such board, lodging and uniforms are furnished by the state, or deductions for academic tuitions or fees or scholarship contributions payable to the employing institution.

(5) Dues and other fees deductions: PROVIDED, That the deduction is for payment of membership dues to any professional organization formed primarily for public employees or college and university professors: AND PROVIDED, FURTHER, That twenty-five or more employees of a single state agency, or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same professional organization.

(6) Labor or employee organization dues may be deducted in the event that a payroll deduction is not provided under a collective bargaining agreement under the provisions of ((RCW 41.06.150)) chapter 41.-- RCW (sections 1 through 21 of this act): PROVIDED, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same labor or employee organization: PROVIDED, FURTHER, That labor or employee organizations with five hundred or more members in state government may have payroll deduction for employee benefit programs.

(7) Voluntary deductions for political committees duly registered with the public disclosure commission and/or the federal election commission: PROVIDED, That twenty-five or more officers or employees of a single agency or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same political committee.

(8) Insurance contributions to the authority for payment of premiums under contracts authorized by the state health care authority.

Deductions from salaries and wages of public officers and employees other than those enumerated in this section or by other law, may be authorized by the director of financial management for purposes clearly related to state employment or goals and objectives of the agency and for plans authorized by the state health care authority.

The authority to make deductions from the salaries and wages of public officers and employees as provided for in this section shall be in addition to such other authority as may be provided by law: PROVIDED, That the state or any department, division, or separate agency of the state shall not be liable to any insurance carrier or contractor for the failure to make or transmit any such deduction.

NEW SECTION. Sec. 31. A new section is added to chapter 41.05 RCW to read as follows:

In case of any conflict between the provisions of this chapter or administrative rules adopted under this chapter and the provisions of chapter 41.-- RCW (sections 1 through 21 of this act) or a collective bargaining agreement negotiated under chapter 41.-- RCW (sections 1 through 21 of this act), the provisions of chapter 41.-- RCW (sections 1 through 21 of this act) or the collective bargaining agreement shall prevail.

Sec. 32. Section 1, chapter 12, Laws of 1970 ex. sess. as last amended by section 3, chapter 365, Laws of 1985 and by section 1, chapter 461, Laws of 1985 and RCW 41.06.020 are each reenacted and amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) 'Agency' means an office, department, board, commission, institution of higher education, or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

(2) 'Board' means the state personnel board established under the provisions of RCW 41.06.110, except that this definition does not apply to the words 'board' or 'boards' when used in RCW 41.06.070.

(3) 'Classified service' means all positions in the state service subject to the provisions of this chapter.

(4) 'Competitive service' means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

(5) 'Comparable worth' means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions.

(6) 'Institutions of higher education' means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(7) 'Noncompetitive service' means all positions in the classified service for which a competitive examination is not required.

((F)) (8) 'Department' means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board, or council, by law empowered to operate the agency responsible either to (a) no other public officer or (b) the governor.

((H)) (9) 'Career development' means the progressive development of employee capabilities to facilitate productivity, job satisfaction, and upward mobility through work assignments as well as education and training that are both state-sponsored and are achieved by individual employee efforts, all of which shall be consistent with the needs and obligations of the state and its agencies.

~~((9))~~ (10) 'Training' means activities designed to develop job-related knowledge and skills of employees.

~~((10))~~ (11) 'Director' means the director of personnel appointed under the provisions of RCW 41.06.130.

~~((11))~~ (12) 'Affirmative action' means a procedure by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system.

Sec. 33, Section 1, chapter 11, Laws of 1972 ex. sess. as last amended by section 2, chapter 389, Laws of 1987 and RCW 41.06.070 are each amended to read as follows:

The provisions of this chapter do not apply to:

(1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;

(2) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

~~(3) ((Officers, academic personnel, and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board;~~

~~(4))~~ The officers of the Washington state patrol;

~~((5))~~ (4) Elective officers of the state;

~~((6))~~ (5) The chief executive officer of each agency;

~~((7))~~ (6) In the departments of employment security, fisheries, social and health services, the director and his confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his confidential secretary, and his statutory assistant directors;

~~((8))~~ (7) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(a) All members of such boards, commissions, or committees;

(b) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: (i) The secretary of the board, commission, or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(c) If the members of the board, commission, or committee serve on a full-time basis: (i) The chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(d) If all members of the board, commission, or committee serve ex officio: (i) The chief executive officer; and (ii) the confidential secretary of such chief executive officer;

~~((9))~~ (8) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

~~((10))~~ (9) Assistant attorneys general;

~~((11))~~ (10) Commissioned and enlisted personnel in the military service of the state;

~~((12))~~ (11) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the state personnel board or the board having jurisdiction;

~~((13))~~ (12) The public printer or to any employees of or positions in the state printing plant;

~~((14))~~ (13) Officers and employees of the Washington state fruit commission;

~~((15))~~ (14) Officers and employees of the Washington state apple advertising commission;

~~((16))~~ (15) Officers and employees of the Washington state dairy products commission;

~~((17))~~ (16) Officers and employees of the Washington tree fruit research commission;

~~((18))~~ (17) Officers and employees of the Washington state beef commission;

~~((19))~~ (18) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

~~((20))~~ (19) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

~~((21))~~ (20) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

~~((22))~~ (21) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

~~((23))~~ (22) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;

~~((24))~~ (23) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law:

~~((25))~~ (24) All employees of the marine employees' commission;

~~((26))~~ (25) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit;

~~((27))~~ (26) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred eighty-seven for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections ~~((19))~~ (9) through ~~((22))~~ (21) of this section, shall be determined by the state personnel board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the personnel board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin on July 10, 1982.

Sec. 34, Section 8, chapter 10, Laws of 1982 as amended by section 69, chapter 287, Laws of 1984 and RCW 41.06.110 are each amended to read as follows:

(1) There is hereby created a state personnel board composed of three members appointed by the governor, subject to confirmation by the senate. The first such board shall be appointed within thirty days after December 8, 1960, for terms of two, four, and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term. Each member shall continue to hold office after the expiration of the member's term until a successor has been appointed. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the board shall be compensated in accordance with RCW 43.03.250. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board. The director of personnel shall serve as secretary.

(4) The board may appoint and compensate hearing officers to hear and conduct appeals ~~((until December 31, 1982))~~. Such compensation shall be paid on a contractual basis for each hearing, in accordance with the provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as they relate to personal service contracts.

Sec. 35. Section 4, chapter 53, Laws of 1982 1st ex. sess. as last amended by section 5, chapter 365, Laws of 1985 and by section 2, chapter 461, Laws of 1985 and RCW 41.06.150 are each reenacted and amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(1) The reduction, dismissal, suspension, or demotion of an employee;
 (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists;

(3) Examinations for all positions in the competitive and noncompetitive service;

(4) Appointments;

(5) Training and career development;

(6) Probationary periods of six to twelve months and rejections therein, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;

(7) Transfers;

(8) Sick leaves and vacations;

(9) Hours of work;

(10) Layoffs when necessary and subsequent reemployment, both according to seniority;

~~(11) ((Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;~~

~~(12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;~~

~~(13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;~~

~~(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his official duties;~~

~~(15)) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;~~

~~((16)) (12) Allocation and reallocation of positions within the classification plan;~~

~~((17)) (13) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;~~

~~((14))~~ (14) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;

~~((15))~~ (15) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, 'veteran' means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section 'veteran' does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month:

~~((16))~~ (16) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

~~((21))~~ Assuring persons who are or have been employed in classified positions under chapter 28B.16 RCW will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter:

~~((22))~~ (17) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

Sec. 36. Section 17, chapter 1, Laws of 1961 as last amended by section 19, chapter 311, Laws of 1981 and RCW 41.06.170 are each amended to read as follows:

(1) The board, in the promulgation of rules and regulations governing suspensions for cause, shall not authorize an appointing authority to suspend an employee for more than fifteen calendar days as a single penalty or more than thirty calendar days in any one calendar year as an accumulation of several penalties. The board shall require that the appointing authority give written notice to the employee not later than one day after the suspension takes effect, stating the reasons for and the duration thereof. The authority shall file a copy of the notice with the director of personnel.

(2) Any employee who is reduced, dismissed, suspended, or demoted, after completing his probationary period of service as provided by the rules and regulations of the board, or any employee who is adversely affected by a violation of the state civil service law, chapter 41.06 RCW, as now or hereafter amended, or rules promulgated pursuant thereto, shall have the right to appeal to the ~~((personnel appeals))~~ board ~~((created by RCW 41.04.010))~~ not later than thirty days after the effective date of such action. The employee shall be furnished with specified charges in writing when a reduction, dismissal, suspension, or demotion action is taken. Such appeal shall be in writing.

(3) An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to the ~~((personnel appeals))~~ board ~~((created by RCW 41.04.010))~~. Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

Sec. 37. Section 20, chapter 222, Laws of 1969 ex. sess. as amended by section 5, chapter 62, Laws of 1973 and RCW 28B.10.824 are each amended to read as follows:

Subject to the provisions of chapter ~~((28B.16))~~ 41.06 RCW, the state ~~((higher education personnel))~~ civil service law, the commission shall appoint an executive director as chief administrator of the commission, and such employees as it deems advisable, and shall fix their compensation and prescribe their duties.

Sec. 38. Section 3, chapter 14, Laws of 1979 as last amended by section 53, chapter 370, Laws of 1985 and RCW 28B.10.650 are each amended to read as follows:

It is the intent of the legislature that when the state and regional universities, The Evergreen State College, and community colleges grant professional leaves to faculty and exempt staff, such leaves be for the purpose of providing opportunities for study, research, and creative activities for the enhancement of the institution's instructional and research programs.

The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College and the board of trustees of each community college district may grant remunerated professional leaves to faculty members and exempt staff, as defined in RCW 28B.16.040, in accordance with regulations adopted by the respective governing boards for periods not to exceed twelve consecutive months in accordance with the following provisions:

(1) The remuneration from state general funds and general local funds for any such leave granted for any academic year shall not exceed the average of the highest quartile of a rank order of salaries of all full time teaching faculty holding academic year contracts or appointments at the institution or in the district.

(2) Remunerated professional leaves for a period of more or less than an academic year shall be compensated at rates not to exceed a proportional amount of the average salary as otherwise calculated for the purposes of subsection (1) of this section.

(3) The grant of any such professional leave shall be contingent upon a signed contractual agreement between the respective governing board and the recipient providing that the recipient shall return to the granting institution or district following his or her completion of such leave and serve in a professional status for a period commensurate with the amount of leave so granted. Failure to comply with the provisions of such signed agreement shall constitute an obligation of the recipient to repay to the institution any remuneration received from the institution during the leave.

(4) The aggregate cost of remunerated professional leaves awarded at the institution or district during any year, including the cost of replacement personnel, shall not exceed the cost of salaries which otherwise would have been paid to personnel on leaves: PROVIDED, That for community college districts the aggregate cost shall not exceed one hundred fifty percent of the cost of salaries which would have otherwise been paid to personnel on leaves: PROVIDED FURTHER, That this subsection shall not apply to any community college district with fewer than seventy-five full time faculty members and granting fewer than three individuals such leaves in any given year.

(5) The average number of annual remunerated professional leaves awarded at any such institution or district shall not exceed four percent of the total number of full time equivalent faculty, as defined by the office of financial management, who are engaged in instruction, and exempt staff as defined in (~~RCW 28B.16.040~~) chapter 41.06 RCW.

(6) Negotiated agreements made in accordance with chapter 28B.52 RCW and entered into after July 1, 1977, shall be in conformance with the provisions of this section.

(7) The respective institutions and districts shall maintain such information which will ensure compliance with the provisions of this section. The higher education coordinating board shall periodically request such information as to ensure institutions are in compliance.

Sec. 39. Section 6, chapter 177, Laws of 1974 ex. sess. as last amended by section 202, chapter 330, Laws of 1987 and RCW 28B.12.060 are each amended to read as follows:

The higher education coordinating board shall adopt rules and regulations as may be necessary or appropriate for effecting the provisions of this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter (~~28B.19~~) 34.05 RCW, the (~~state higher education~~) administrative procedure act. Such rules and regulations shall include provisions designed to make employment under such work-study program reasonably available, to the extent of available funds, to all eligible students in eligible post-secondary institutions in need thereof. Such rules and regulations shall include:

(1) Providing work under the college work-study program which will not result in the displacement of employed workers or impair existing contracts for services.

(2) Furnishing work only to a student who:

(a) Is capable, in the opinion of the eligible institution, of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution or, in the case of a student already enrolled in and attending the eligible institution, is in good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology.

(3) Placing priority on the securing of work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.011 through 28B.15.014.

(4) Provisions to assure that in the state institutions of higher education utilization of this student work-study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of chapter (~~28B.16~~) 41.06 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the (~~higher education~~) state personnel board's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work study positions shall only be established at entry level positions of the classified service.

Sec. 40. Section 28B.50.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 75, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 28B.50.060 are each amended to read as follows:

A director of the state system of community colleges shall be appointed by the college board and shall serve at the pleasure of the college board. He shall be appointed with due regard to his fitness and background in education, by his knowledge of and recent practical experience in the field of educational administration particularly in institutions beyond the high school level. The college board may also take into consideration an applicant's proven management background even though not particularly in the field of education.

The director shall devote his time to the duties of his office and shall not have any direct pecuniary interest in or any stock or bonds of any business connected with or selling supplies to the field of education within this state, in keeping with chapter 42.18 RCW, the executive conflict of interest act.

He shall receive a salary to be fixed by the college board and shall be reimbursed for travel expenses incurred by him in the discharge of his official duties in accordance with RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

He shall be the executive officer of the college board and serve as its secretary and under its supervision shall administer the provisions of this chapter and the rules, regulations and orders established thereunder and all other laws of the state. He shall attend, but not vote at, all meetings of the college board. He shall be in charge of offices of the college board and responsible to the college board for the preparation of reports and the collection and dissemination of data and other public information relating to the state system of community colleges. At the direction of the college board, he shall, together with the chairman of the college board, execute all contracts entered into by the college board.

The director shall, with the approval of the college board: (1) Employ necessary assistant directors of major staff divisions who shall serve at his pleasure on such terms and conditions as he determines, and (2) subject to the provisions of chapter ~~((28B-16))~~ 41.06 RCW, the ~~((higher education personnel))~~ state civil service law, the director shall, with the approval of the college board, appoint and employ such field and office assistants, clerks and other employees as may be required and authorized for the proper discharge of the functions of the college board and for whose services funds have been appropriated.

The board may, by written order filed in its office, delegate to the director any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised by the director in the name of the college board.

Sec. 41. Section 6, chapter 370, Laws of 1985 as amended by section 4, chapter 172, Laws of 1988 and RCW 28B.80.350 are each amended to read as follows:

The board shall coordinate educational activities among all segments of higher education taking into account the educational programs, facilities, and other resources of both public and independent two and four-year colleges and universities. The four-year institutions and the state board for community college education shall coordinate information and activities with the board. The board shall have the following additional responsibilities:

- (1) Promote interinstitutional cooperation;
- (2) Establish minimum admission standards for four-year institutions, including a requirement that coursework in sign language shall satisfy any foreign language requirement the board or the institutions may establish as a general undergraduate admissions requirement;
- (3) Establish transfer policies;
- (4) Adopt rules implementing statutory residency requirements;
- (5) Develop and administer reciprocity agreements with bordering states and the province of British Columbia;
- (6) Review and recommend compensation practices and levels for administrative employees, exempt under chapter ~~((28B-16))~~ 41.06 RCW, and faculty using comparative data from peer institutions;
- (7) Monitor higher education activities for compliance with all relevant state policies for higher education;
- (8) Arbitrate disputes between and among four-year institutions or between and among four-year institutions and community colleges at the request of one or more of the institutions involved, or at the request of the governor, or from a resolution adopted by the legislature. The decision of the board shall be binding on the participants in the dispute;
- (9) Establish and implement a state system for collecting, analyzing, and distributing information;
- (10) Recommend to the governor and the legislature ways to remove any economic incentives to use off-campus program funds for on-campus activities; and
- (11) Make recommendations to increase minority participation, and monitor and report on the progress of minority participation in higher education.

Sec. 42. Section 14, chapter 370, Laws of 1985 as amended by section 301, chapter 330, Laws of 1987 and RCW 28B.80.430 are each amended to read as follows:

The board shall employ a director and may delegate agency management to the director. The director shall serve at the pleasure of the board, shall be the executive officer of the board, and shall, under the board's supervision, administer the provisions of this chapter. The executive director shall, with the approval of the board: (1) Employ necessary deputy and assistant directors and other exempt staff under chapter ~~((28B-16))~~ 41.06 RCW who shall serve at his or her pleasure on such terms and conditions as he or she determines and (2) subject to the provisions of chapter ~~((28B-16))~~ 41.06 RCW, appoint and employ such other employees as may be required for the proper discharge of the functions of the board. The executive director shall exercise such additional powers, other than rulemaking, as may be delegated by the board by resolution. In fulfilling the duties under this chapter, the board shall make extensive use of those state agencies with responsibility for implementing and supporting postsecondary education plans and policies including but not limited to appropriate legislative groups, the post-secondary education institutions, the office of financial management, ~~((the commission for vocational education;))~~ and the state board for community college education. Outside consulting and service agencies may also be employed. The board may compensate these groups and consultants in appropriate ways.

Sec. 43. Section 2, chapter 492, Laws of 1987 and RCW 28C.15.020 are each amended to read as follows:

(1) The governor is authorized to form a public nonprofit corporation in the same manner as a private nonprofit corporation is formed under chapter 24.03 RCW. The public corporation shall be an instrumentality of the state and have all the powers and be subject to the same restrictions as are permitted or prescribed to private nonprofit corporations, but shall exercise those powers only for carrying out the purposes of this chapter and those purposes necessarily implied therefrom. The governor shall appoint a board of fifteen directors for the corporation who shall serve terms of six years. The governor shall appoint the members as follows: Nine members shall represent the business community, three members shall represent the sixth community college district board of trustees, and three shall represent the Seattle school board. The terms of the initial members shall be staggered. The directors may provide for the payment of their expenses. The corporation may cause a vocational technical center to be designed and constructed on a site in the city of Seattle. The center shall be named the Washington institute of applied technology.

(2) The powers and duties of the directors shall include:

(a) Having full authority and responsibility for management, policy decisions, curriculum development, and resource allocations involving the center;

(b) Employing a director of the center, who shall serve at the pleasure of the directors of the corporation;

(c) Working with the Seattle school district and the sixth community college district to use existing resources of the Seattle school district and the sixth community college district to provide services for all normal operating functions of the center, including but not limited to, payroll, personnel, accounting, and disbursement of funds, as authorized by the director;

(d) Working closely with the office of the superintendent of public instruction on all fiscal matters;

(e) Negotiating an agreement with the sixth community college district and the Seattle school district which will commit all parties to a plan of governance and operation of the center and the plan shall be completed and agreed upon within forty-five days after May 19, 1987;

(f) Hiring staff as necessary to negotiate, with the approval of the directors, with the applicable public or private service providers to conduct the instructional activities of the center. However, the directors shall not hire instructional staff or faculty;

(g) Designing and implementing the programs offered through the center, but the directors shall not cause a training program in the construction trades to be offered unless the program is approved by recognized trade groups in this state and the directors;

(h) Awarding appropriate diplomas or certificates of completion, or other evidence of satisfactory performance may be awarded as appropriate;

(i) Initiating and causing to be conducted research regarding the needs of businesses and industries in the region and the state for a work force with appropriate training and evaluating the center's programs and courses based upon the research;

(j) Preparing a budget for the center consistent with the requirements applicable to common school districts;

(k) Receiving such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the center and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments; and

(l) Charging tuition and fees that shall not be higher than that provided for community colleges under RCW 28B.15.502 and that comply with the applicable provisions under chapter 28B.15 RCW, including but not limited to the provisions defining 'resident student,' and the board may provide for waivers of tuition and fees and provide scholarships.

(3) The directors shall enter into contracts with participating school districts that provide for a school district to reimburse the center for the costs of a student enrolled in a school in that district attending a course or courses at the center. The reimbursement shall not exceed the proportionate amount of full time equivalent funding received by the district for that student, and for state-funding purposes such student shall be deemed to be attending courses in the applicable school district.

(4) The corporation may acquire and transfer real and personal property by lease, purchase, or sale, and further acquire property by gift, accept grants, cause the vocational technical center facilities to be constructed if funds are so appropriated, and do whatever is necessary or appropriate to carry out those purposes. The corporation shall maintain, operate, promote, and manage the vocational technology center.

(5) In order to allow the corporation flexibility in its personnel policies, the corporation is exempt from chapter 41.06 RCW, chapter 41.05 RCW, RCW 43.01.040 through 43.01.044, chapter 41.04 RCW; (~~chapter 28B-16 RCW~~) and chapter 41.40 RCW.

Sec. 44. Section 2, chapter 67, Laws of 1981 as amended by section 1, chapter 189, Laws of 1982 and RCW 34.12.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Office' means the office of administrative hearings.

(2) 'Administrative law judge' means any person appointed by the chief administrative law judge to conduct or preside over hearings as provided in this chapter.

(3) 'Hearing' means (~~a contested case~~) an adjudicative proceeding within the meaning of RCW (~~34.04.010(3)~~) 34.05.010(1) conducted by a state agency under RCW 34.05.413 through 34.05.476.

(4) 'State agency' means any state board, commission, department, or officer authorized by law to make rules or to (~~adjudicate contested cases~~) conduct adjudicative proceedings, except those in the legislative or judicial branches, the pollution control hearings board, the shorelines hearings board, the forest practices appeals board, the environmental hearings office, the board of industrial insurance appeals, the state personnel board, (~~the higher education personnel board~~); the state employees' relations commission, the public employment relations commission, (~~personnel appeals board~~); and the board of tax appeals.

Sec. 45. Section 1, chapter 150, Laws of 1979 ex. sess. as amended by section 1, chapter 182, Laws of 1980 and RCW 41.04.340 are each amended to read as follows:

As used in this section the term 'eligible employee' means any employee of the state, other than teaching and research faculty at the state and regional universities and The Evergreen State College, entitled to accumulate sick leave and for whom accurate sick leave records have been maintained: PROVIDED, That no employee may receive compensation under this section for any portion of sick leave accumulated at a rate in excess of one day per month.

An attendance incentive program is established for all eligible employees. In January of the year following any year in which a minimum of sixty days of sick leave is accrued, and each January thereafter, any eligible employee may receive remuneration for unused sick leave accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued sick leave in excess of sixty days. Sick leave for which compensation has been received shall be deducted from accrued sick leave at the rate of four days for every one day's monetary compensation.

At the time of separation from state service due to retirement or death, an eligible employee or the employee's estate shall receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days of accrued sick leave: PROVIDED, That community college districts may delay until July 1, 1981, payment due any eligible employee or employee's estate: PROVIDED FURTHER, That there shall be added to any such delayed payment interest at the rate of eight percent per year.

Moneys received under this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

This section shall be administered, and rules shall be promulgated to carry out its purposes, by the state personnel board (~~and the higher education personnel board~~) for persons subject to chapter(s) 41.06 (~~and 28B-16~~) RCW, (~~respectively~~;) and by their respective personnel authorities for other eligible employees: PROVIDED, That determination of classes of eligible employees shall be subject to approval by the office of financial management.

Should the legislature revoke any benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right.

Sec. 46. Section 6, chapter 75, Laws of 1983 1st ex. sess. and RCW 41.06.155 are each amended to read as follows:

Salary changes necessary to achieve comparable worth shall be implemented during the 1983-85 biennium under a schedule developed by the department (~~in cooperation with the higher education personnel board~~). Increases in salaries and compensation solely for the purpose of achieving comparable worth shall be made at least annually. Comparable worth for the jobs of all employees under this chapter shall be fully achieved not later than June 30, 1993.

Sec. 47. Section 3, chapter 152, Laws of 1977 ex. sess. as last amended by section 9, chapter 185, Laws of 1987 and RCW 41.06.163 are each amended to read as follows:

(1) In the conduct of salary and fringe benefit surveys under RCW 41.06.160 (~~as now or hereafter amended~~), it is the intention of the legislature that the surveys be undertaken in a manner consistent with statistically accurate sampling techniques. For this purpose, a comprehensive salary and fringe benefit survey plan shall be submitted to the director of financial management, employee organizations, and the standing committees for appropriations of the senate and house of representatives six months before the beginning of each periodic survey required before regular legislative sessions. This comprehensive plan shall include but not be limited to the following:

(a) A complete explanation of the technical, statistical process to be used in the salary and fringe benefit survey including the percentage of accuracy expected from the planned statistical sample chosen for the survey and a definition of the term 'prevailing rates' which is to be used in the planned survey;

(b) A comprehensive salary and fringe benefit survey model based on scientific statistical principles which:

(i) Encompasses the interrelationships among the various elements of the survey sample including sources of salary and fringe benefit data by organization type, size, and regional location;

(ii) Is representative of private and public employment in this state;

(iii) Ensures that, wherever practical, data from smaller, private firms are included and proportionally weighted in the survey sample; and

(iv) Indicates the methodology to be used in application of survey data to job classes used by state government;

(c) A prediction of the increase or decrease in total funding requirements expected to result from the pending salary and fringe benefit survey based on consumer price index information and other available trend data pertaining to Washington state salaries and fringe benefits.

(2) Every comprehensive survey plan shall fully consider fringe benefits as an element of compensation in addition to basic salary data. The plans prepared under this section shall be developed (~~jointly~~) by the department of personnel (~~in conjunction with the higher education personnel board established under chapter 28B.16 RCW. All comprehensive salary and fringe benefit survey plans shall be submitted on a joint signature basis by the department of personnel and the higher education personnel board~~).

(3) Interim or special surveys conducted under RCW 41.06.160 as now or hereafter amended shall conform when possible to the statistical techniques and principles developed for regular periodic surveys under this section.

(4) The term 'fringe benefits' as used in this section and in conjunction with salary surveys shall include but not be limited to compensation for:

(a) Leave time, including vacation, holiday, civil, and personal leave;

(b) Employer retirement contributions;

(c) Health and insurance payments, including life, accident, and health insurance, workers' compensation, and sick leave; and

(d) Stock options, bonuses, and purchase discounts where appropriate.

Sec. 48. Section 3, chapter 152, Laws of 1979 and RCW 41.48.140 are each amended to read as follows:

Nothing in RCW 41.48.120 or 41.48.130 shall affect the power of the state personnel board(~~the higher education personnel board~~;) or any other state personnel authority to establish sick leave regulations except as may be required under RCW 41.48.120 or 41.48.130: PROVIDED, That each personnel board and personnel authority shall establish the maximum number of working days an employee under its jurisdiction may be absent on account of sickness or accident disability without a medical certificate.

'Personnel authority' as used in this section, means a state agency, board, committee, or similar body having general authority to establish personnel regulations.

Sec. 49. Section 1, chapter 167, Laws of 1982 as last amended by section 2, chapter 387, Laws of 1987 and RCW 41.60.015 are each amended to read as follows:

(1) There is hereby created the productivity board. The board shall administer the employee suggestion program under this chapter and shall review applications for teamwork incentive pay for state employees under RCW 41.60.100, 41.60.110, and 41.60.120.

(2) The board shall be composed of:

(a) The secretary of state who shall act as chairperson;

(b) The director of personnel appointed under the provisions of RCW 41.06.130 or the director's designee;

(c) The director of financial management or the director's designee;

(d) (~~The personnel director appointed under the provisions of RCW 28B.16.060 or the director's designee;~~

(e)) The director of general administration or the director's designee;

~~((f))~~ (e) Three persons with experience in administering incentives such as those used by industry, with the governor, lieutenant governor, and speaker of the house of representatives each appointing one person. The governor's appointee shall be a representative of an employee organization certified as an exclusive representative of at least one bargaining unit of classified employees, but no one organization may be represented for two consecutive terms;

~~((g))~~ (f) One person representing state agencies and institutions with employees subject to chapter 41.06 RCW (~~and one person representing those subject to chapter 28B-16 RCW, both~~) to be appointed by the governor; and

~~((h))~~ (g) In addition, the governor and board chairperson may jointly appoint persons to the board on an ad hoc basis. Ad hoc members shall serve in an advisory capacity and shall not have the right to vote.

Members under subsection (2) (e) and (f) ~~((and (g)))~~ of this section shall be appointed to serve three-year terms.

Members of the board appointed pursuant to subsection 2)~~((f))~~ (e) of this section may be compensated in accordance with RCW 43.03.240. Any board member who is not a state employee may be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

Sec. 50. Section 9, chapter 167, Laws of 1982 as last amended by section 3, chapter 387, Laws of 1987 and RCW 41.60.041 are each amended to read as follows:

(1) Cash awards for suggestions generating net savings to the state shall be ten percent of the net savings.

(2) No award may be granted in excess of ten thousand dollars.

(3) If the suggestion is significantly modified when implemented, the percentage specified in subsection (1) of this section may be decreased at the option of the board.

(4) The board shall establish guidelines for making cash awards for suggestions for which benefits to the state are intangible or for which benefits cannot be calculated. In cases where cost avoidances are identified, the state personnel board ~~((and the higher education personnel board))~~ in consultation with the productivity board shall adopt rules which allow agencies and institutions of higher education to grant leave in lieu of cash awards.

(5) Funds for the awards shall be drawn from the appropriation of the agency benefitting from the employee's suggestion. If the suggestion reduces costs to a nonappropriated fund or reduces costs paid without appropriation from a nonappropriated portion of an appropriated fund, an award may be paid from the benefitting fund or account without appropriation.

(6) Awards and fees for suggestions which generate new or additional money for the general fund may be drawn from the general fund by joint approval of the productivity board and the director of financial management.

(7) In addition to the amount awarded, the agency shall transfer ten percent of the savings to the department of personnel service fund. Moneys so transferred shall be used exclusively for the operations of the productivity board or as an offset to any amount appropriated to the productivity board for administrative expenses from another revenue source, other than that provided under RCW 41.60.120.

The productivity board at least annually shall review amounts transferred to the department of personnel service fund under this section and may reduce the percentage of savings to be transferred or temporarily suspend transfer if cash receipts exceed needs for program administration.

Sec. 51. Section 2, chapter 34, Laws of 1984 as last amended by section 13, chapter 36, Laws of 1988 and RCW 42.17.2401 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term 'executive state officer' includes:

(1) The chief administrative law judge, the director of financial management, the director of personnel, the director of community development, the director of the state system of community colleges, the director of the department of information services, the executive secretary of the forest practices appeals board, the director of the gambling commission, ~~((the director of the higher education personnel board;))~~ the secretary of transportation, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the administrator of the interagency committee for outdoor recreation, the director of parks and recreation, the executive secretary of the ~~((board of prison terms and paroles))~~ indefinite sentence review board, the administrator of the public disclosure commission, the director of retirement systems, the secretary of the utilities and transportation commission, the executive secretary of the board of tax appeals, the secretary of the state finance committee, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Each member of the state board for community college education, information services board, forest practices board, forest practices appeals board, gambling commission, wildlife commission, ~~((higher education personnel board;))~~ transportation commission, horse racing commission, human rights commission, board of industrial insurance appeals, liquor control

board, interagency committee for outdoor recreation, parks and recreation commission, personnel board, ~~((personnel appeals board, board of prison terms and paroles))~~ indeterminate sentence review board, public disclosure commission, public employees' retirement system board, public pension commission, University of Washington board of regents, Washington State University board of regents, board of tax appeals, teachers' retirement system board of trustees, Central Washington University board of trustees, Eastern Washington University board of trustees, The Evergreen State College board of trustees, Western Washington University board of trustees, board of trustees of each community college, state housing finance commission, and the utilities and transportation commission.

Sec. 52, Section 1, chapter 442, Laws of 1985 and RCW 43.06.410 are each amended to read as follows:

There is established within the office of the governor the Washington state internship program to assist students and state employees in gaining valuable experience and knowledge in various areas of state government. In administering the program, the governor shall:

(1) Consult with the secretary of state, the director of personnel, ~~((the director of the higher education personnel board;))~~ the commissioner of the employment security department, and representatives of labor;

(2) Encourage and assist agencies in developing intern positions;

(3) Develop and coordinate a selection process for placing individuals in intern positions. This selection process shall give due regard to the responsibilities of the state to provide equal employment opportunities;

(4) Develop and coordinate a training component of the internship program which balances the need for training and exposure to new ideas with the intern's and agency's need for on-the-job work experience;

(5) Work with institutions of higher education in developing the program, soliciting qualified applicants, and selecting participants; and

(6) Develop guidelines for compensation of the participants.

Sec. 53, Section 4, chapter 442, Laws of 1985 and RCW 43.06.425 are each amended to read as follows:

The state personnel board ~~((and the higher education personnel board))~~ shall ~~((each))~~ adopt rules to provide that:

(1) Successful completion of an internship under RCW 43.06.420 shall be considered as employment experience at the level at which the intern was placed;

(2) Persons leaving classified or exempt positions in state government in order to take an internship under RCW 43.06.420: (a) Have the right of reversion to the previous position at any time during the internship or upon completion of the internship; and (b) shall continue to receive all fringe benefits as if they had never left their classified or exempt positions;

(3) Participants in the undergraduate internship program who were not public employees prior to accepting a position in the program receive sick leave allowances commensurate with other state employees;

(4) Participants in the executive fellows program who were not public employees prior to accepting a position in the program receive sick and vacation leave allowances commensurate with other state employees.

Sec. 54, Section 1, chapter 320, Laws of 1977 ex. sess. and RCW 43.88.280 are each amended to read as follows:

As used in RCW 43.88.290 and 43.88.300 the term 'state officer or employee' includes the members of the governing body of any state agency, as state agency is defined in RCW 43.88.020(4) and those generally known as executive management but excludes nonsupervisory state employees covered by civil service under chapter ~~((s))~~ 41.06 ~~((and 28B-16))~~ RCW.

Sec. 55, Section 8, chapter 504, Laws of 1987 and RCW 43.105.052 are each amended to read as follows:

The department shall:

(1) Perform all duties and responsibilities the board delegates to the department, including but not limited to (a) the review of agency acquisition plans and requests and (b) implementation of state-wide and interagency policies, standards, and guidelines;

(2) Make available information services to state agencies and local governments on a full cost-recovery basis. These services may include, but are not limited to: Telecommunications services for voice, data, and video; mainframe computing services; support for departmental and microcomputer evaluation, installation, and use; equipment acquisition assistance, including leasing, brokering, and establishing master contracts; facilities management services for information technology equipment, equipment repair, and maintenance service; office automation services; system development services; and training. These services are for discretionary use by customers and customers may elect other alternatives for service if those alternatives are more cost-effective or provide better service. Agencies may be required to use the backbone network portions of the telecommunications services during an initial start-up period not to exceed three years;

(3) Establish rates and fees for services provided by the department to assure that the services component of the department is self-supporting. A billing rate plan shall be developed

for a two-year period to coincide with the budgeting process. The rate plan shall be subject to review at least annually by the customer oversight committees. The rate plan shall show the proposed rates by each cost center and will show the components of the rate structure as mutually determined by the department and the customer oversight committees. The same rate structure will apply to all user agencies of each cost center. The rate plan and any adjustments to rates shall be approved by the office of financial management. The services component shall not subsidize the operations of the planning component:

(4) With the advice of the information services board and agencies, develop and publish state-wide goals and objectives at least biennially;

(5) Develop plans for the department's achievement of state-wide goals and objectives. These plans shall address such services as telecommunications, central and distributed computing, local area networks, office automation, and end user computing. The department shall seek the advice of customer oversight committees and the board in the development of these plans;

(6) Develop training plans and coordinate training programs that are responsive to the needs of agencies, in collaboration with the department of personnel (~~and the higher education personnel board~~);

(7) Identify opportunities for the effective use of information services and coordinate appropriate responses to those opportunities;

(8) Assess agencies' projects, acquisitions, plans, or overall information processing performance as requested by the board, agencies, the director of financial management, or the legislature. Agencies may be required to reimburse the department for agency-requested reviews;

(9) Develop planning, budgeting, and expenditure reporting requirements, in conjunction with the office of financial management, for agencies to follow;

(10) Assist the office of financial management with budgetary and policy review of agency plans for information services;

(11) Provide staff support from the planning component to the board for:

(a) Meeting preparation, notices, and minutes;

(b) Promulgation of policies, standards, and guidelines adopted by the board;

(c) Supervision of studies and reports requested by the board;

(d) Conducting reviews and assessments as directed by the board; and

(12) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Sec. 56, Section 1, chapter 294, Laws of 1959 as last amended by section 1, chapter 1, Laws of 1989 (Initiative Measure No. 518) and RCW 49.46.010 are each amended to read as follows:

As used in this chapter:

(1) 'Director' means the director of labor and industries;

(2) 'Wage' means compensation due to an employee by reason of employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by regulations of the director;

(3) 'Employ' includes to permit to work;

(4) 'Employer' includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;

(5) 'Employee' includes any individual employed by an employer but shall not include:

(a) Any individual (i) employed as a hand harvest laborer and paid on a piece rate basis in an operation which has been, and is generally and customarily recognized as having been, paid on a piece rate basis in the region of employment; (ii) who commutes daily from his or her permanent residence to the farm on which he or she is employed; and (iii) who has been employed in agriculture less than thirteen weeks during the preceding calendar year;

(b) Any individual employed in casual labor in or about a private home, unless performed in the course of the employer's trade, business, or profession;

(c) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesman as those terms are defined and delimited by regulations of the director. However, those terms shall be defined and delimited by the state personnel board pursuant to chapter 41.06 RCW (~~and the higher education personnel board pursuant to chapter 28B.16 RCW~~) for employees employed under ((their respective)) its jurisdiction((s));

(d) Any individual engaged in the activities of an educational, charitable, religious, state or local governmental body or agency, or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously. If the individual receives reimbursement in lieu of compensation for normally incurred out-of-pocket expenses or receives a nominal amount of compensation per unit of voluntary service rendered, an employer-employee relationship is deemed not to exist for the purpose of this section or for purposes of membership or qualification in any state, local

government or publicly supported retirement system other than that provided under chapter 41.24 RCW:

(e) Any individual employed full time by any state or local governmental body or agency who provides voluntary services but only with regard to the provision of the voluntary services. The voluntary services and any compensation therefor shall not affect or add to qualification, entitlement or benefit rights under any state, local government, or publicly supported retirement system other than that provided under chapter 41.24 RCW:

(f) Any newspaper vendor or carrier;

(g) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

(h) Any individual engaged in forest protection and fire prevention activities;

(i) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;

(j) Any individual whose duties require that he or she reside or sleep at the place of his or her employment or who otherwise spends a substantial portion of his or her work time subject to call, and not engaged in the performance of active duties;

(k) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution;

(l) Any individual who holds a public elective or appointive office of the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof, or any employee of the state legislature;

(m) All vessel operating crews of the Washington state ferries operated by the department of transportation;

(n) Any individual employed as a seaman on a vessel other than an American vessel.

(6) 'Occupation' means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed.

Sec. 57. Section 9, chapter 365, Laws of 1985 and RCW 49.74.020 are each amended to read as follows:

If the commission reasonably believes that a state agency, an institution of higher education, or the state patrol has failed to comply with an affirmative action rule adopted under RCW (~~(20B-16-100)~~) 41.06.150(3) or 43.43.340, the commission shall notify the director of the state agency, president of the institution of higher education, or chief of the Washington state patrol of the noncompliance, as well as the director of personnel (~~or the director of the higher education personnel board, whichever is appropriate~~). The commission shall give the director of the state agency, president of the institution of higher education, or chief of the Washington state patrol an opportunity to be heard on the failure to comply.

Sec. 58. Section 10, chapter 365, Laws of 1985 and RCW 49.74.030 are each amended to read as follows:

The commission in conjunction with the department of personnel (~~the higher education personnel board~~) or the state patrol, whichever is appropriate, shall attempt to resolve the noncompliance through conciliation. If an agreement is reached for the elimination of non-compliance, the agreement shall be reduced to writing and an order shall be issued by the commission setting forth the terms of the agreement. The noncomplying state agency, institution of higher education, or state patrol shall make a good faith effort to conciliate and make a full commitment to correct the noncompliance with any action that may be necessary to achieve compliance, provided such action is not inconsistent with the rules adopted under RCW (~~(20B-16-100(20), 41-06-150(21), and~~) 41.06.150 or 43.43.340(5), whichever is appropriate.

Sec. 59. Section 11, chapter 365, Laws of 1985 and RCW 49.74.040 are each amended to read as follows:

If no agreement can be reached under RCW 49.74.030, the commission may refer the matter to the administrative law judge for hearing pursuant to RCW 49.60.250. If the administrative law judge finds that the state agency, institution of higher education, or state patrol has not made a good faith effort to correct the noncompliance, the administrative law judge shall order the state agency, institution of higher education, or state patrol to comply with this chapter. The administrative law judge may order any action that may be necessary to achieve compliance, provided such action is not inconsistent with the rules adopted under RCW (~~(20B-16-100(20), 41-06-150(21))~~) 41.06.150 and 43.43.340(5), whichever is appropriate.

An order by the administrative law judge may be appealed to superior court.

Sec. 60. Section 6, chapter 153, Laws of 1977 ex. sess. as last amended by section 1, chapter 177, Laws of 1981 and RCW 50.13.060 are each amended to read as follows:

(1) Governmental agencies, including law enforcement agencies, prosecuting agencies, and the executive branch, whether state, local, or federal shall have access to information or records deemed private and confidential under this chapter if the information or records are needed by the agency for official purposes and:

(a) The agency submits an application in writing to the employment security department for the records or information containing a statement of the official purposes for which the

information or records are needed and specific identification of the records or information sought from the department; and

(b) The director, commissioner, chief executive, or other official of the agency has verified the need for the specific information in writing either on the application or on a separate document; and

(c) The agency requesting access has served a copy of the application for records or information on the individual or employing unit whose records or information are sought and has provided the department with proof of service. Service shall be made in a manner which conforms to the civil rules for superior court. The requesting agency shall include with the copy of the application a statement to the effect that the individual or employing unit may contact the public records officer of the employment security department to state any objections to the release of the records or information. The employment security department shall not act upon the application of the requesting agency until at least five days after service on the concerned individual or employing unit. The employment security department shall consider any objections raised by the concerned individual or employing unit in deciding whether the requesting agency needs the information or records for official purposes.

(2) The requirements of subsections (1) and (7) of this section shall not apply to the state legislative branch. The state legislature shall have access to information or records deemed private and confidential under this chapter, if the legislature or a legislative committee finds that the information or records are necessary and for official purposes. If the employment security department does not make information or records available as provided in this subsection, the legislature may exercise its authority granted by chapter 44.16 RCW.

(3) In cases of emergency the governmental agency requesting access shall not be required to formally comply with the provisions of subsection (1) of this section at the time of the request if the procedures required by subsection (1) of this section are complied with by the requesting agency following the receipt of any records or information deemed private and confidential under this chapter. An emergency is defined as a situation in which irreparable harm or damage could occur if records or information are not released immediately.

(4) The requirements of subsection (1)(c) of this section shall not apply to governmental agencies where the procedures would frustrate the investigation of possible violations of criminal laws.

(5) Governmental agencies shall have access to certain records or information, limited to such items as names, addresses, social security numbers, and general information about benefit entitlement or employer information possessed by the department, for comparison purposes with records or information possessed by the requesting agency to detect improper or fraudulent claims, or to determine potential tax liability or employer compliance with registration and licensing requirements. In those cases the governmental agency shall not be required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) must be satisfied.

(6) Disclosure to governmental agencies of information or records obtained by the employment security department from the federal government shall be governed by any applicable federal law or any agreement between the federal government and the employment security department where so required by federal law. When federal law does not apply to the records or information state law shall control.

(7) The disclosure of any records or information by a governmental agency which has obtained the records or information under this section is prohibited unless the disclosure is directly connected to the official purpose for which the records or information were obtained.

(8) In conducting periodic salary or fringe benefit studies pursuant to law, the department of personnel (~~and the higher education personnel board~~) shall have access to records of the employment security department as may be required for such studies. For such purposes, the requirements of subsection (1)(c) of this section need not apply.

Sec. 61. Section 607, chapter 206, Laws of 1988 and RCW 70.24.300 are each amended to read as follows:

The state personnel board(~~(- the higher education personnel board;))~~) and each unit of local government shall determine whether any employees under their jurisdiction have a substantial likelihood of exposure in the course of their employment to the human immunodeficiency virus. If so, the agency or unit of government shall adopt rules requiring appropriate training and education for the employees on the prevention, transmission, and treatment of AIDS. The rules shall specifically provide for such training and education for law enforcement, correctional, and health care workers. The state personnel board(~~(- the higher education personnel board;))~~) and each unit of local government shall work with the office on AIDS under RCW 70.24.250 to develop the educational and training material necessary for employees.

NEW SECTION. Sec. 62. (1) The state personnel appeals board and the higher education personnel board are hereby abolished. All powers, duties, and functions of these agencies are transferred to the state personnel board.

(2) All references to the abolished agencies in the Revised Code of Washington shall be construed to mean the state personnel board.

NEW SECTION. Sec. 63. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the agencies abolished in section 62 of this act and pertaining to the powers, functions, and duties transferred by section 62 of this act shall be delivered to the custody of the state personnel board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the abolished agencies in carrying out the powers, functions, and duties transferred by section 62 of this act shall be made available to the state personnel board. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred by section 62 of this act shall be assigned to the state personnel board. Any appropriations made to the abolished agencies for carrying out the powers, functions, and duties transferred by section 62 of this act shall, on the effective date of this section, be transferred and credited to the state personnel board. Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 64. (1) All classified employees of the state personnel appeals board engaged in performing the powers, functions, and duties transferred by section 62 of this act are transferred to the jurisdiction of the state personnel board.

(2) All employees of the higher education personnel board classified under chapter 28B.16 RCW are assigned to the department of personnel to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(3) All employees of the department of personnel assigned to labor relations functions are assigned to the state employees' relations commission to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 65. All rules and all pending business before the abolished agencies pertaining to the powers, functions, and duties transferred by section 62 of this act shall be continued and acted upon by the state personnel board. All existing contracts and obligations shall remain in full force and shall be performed by the state personnel board.

NEW SECTION. Sec. 66. The transfer of the powers, duties, functions, and personnel of the abolished agencies under section 62 of this act shall not affect the validity of any act performed by such employee prior to the effective date of this section.

NEW SECTION. Sec. 67. If apportionments of budgeted funds are required because of the transfers directed by sections 62 through 66 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 68. Rules, classification plans, compensation plans, and bargaining units adopted or established pursuant to chapter 28B.16 RCW shall remain in effect until superseded by action of the state personnel board or state employees' relations commission, respectively.

NEW SECTION. Sec. 69. SECTION CAPTIONS. Section captions used in this act constitute no part of the law.

NEW SECTION. Sec. 70. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.010;
- (2) Section 2, chapter 36, Laws of 1969 ex. sess., section 41, chapter 169, Laws of 1977 ex. sess., section 14, chapter 53, Laws of 1982 1st ex. sess., section 1, chapter 75, Laws of 1983 1st ex. sess., section 2, chapter 365, Laws of 1985, section 8, chapter 461, Laws of 1985 and RCW 28B.16.020;
- (3) Section 3, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.030;
- (4) Section 4, chapter 36, Laws of 1969 ex. sess., section 1, chapter 94, Laws of 1977 ex. sess., section 15, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.040;
- (5) Section 9, chapter 442, Laws of 1985 and RCW 28B.16.041;
- (6) Section 1, chapter 266, Laws of 1985 and RCW 28B.16.042;
- (7) Section 6, chapter 36, Laws of 1969 ex. sess., section 73, chapter 34, Laws of 1975-76 2nd ex. sess., section 19, chapter 338, Laws of 1981, section 63, chapter 287, Laws of 1984 and RCW 28B.16.060;
- (8) Section 7, chapter 36, Laws of 1969 ex. sess., section 1, chapter 23, Laws of 1983 and RCW 28B.16.070;
- (9) Section 8, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.080;
- (10) Section 9, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.090;
- (11) Section 10, chapter 36, Laws of 1969 ex. sess., section 1, chapter 19, Laws of 1971 ex. sess., section 2, chapter 154, Laws of 1973, section 2, chapter 75, Laws of 1973 1st ex. sess., section 1, chapter 122, Laws of 1975 1st ex. sess., section 8, chapter 152, Laws of 1977 ex. sess., section 15, chapter 151, Laws of 1979, section 16, chapter 53, Laws of 1982 1st ex. sess., section 2, chapter 75, Laws of 1983 1st ex. sess., section 1, chapter 365, Laws of 1985, section 9, chapter 461, Laws of 1985 and RCW 28B.16.100;

(12) Section 9, chapter 152, Laws of 1977 ex. sess., section 19, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.101;

(13) Section 13, chapter 152, Laws of 1977 ex. sess., section 17, chapter 53, Laws of 1982 1st ex. sess., section 10, chapter 461, Laws of 1985 and RCW 28B.16.105;

(14) Section 11, chapter 36, Laws of 1969 ex. sess., section 2, chapter 122, Laws of 1975 1st ex. sess., section 10, chapter 152, Laws of 1977 ex. sess., section 16, chapter 151, Laws of 1979, section 3, chapter 11, Laws of 1980, section 1, chapter 94, Laws of 1985 and RCW 28B.16.110;

(15) Section 11, chapter 152, Laws of 1977 ex. sess., section 17, chapter 151, Laws of 1979, section 4, chapter 158, Laws of 1986, section 3, chapter 185, Laws of 1987 and RCW 28B.16.112;

(16) Section 12, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.113;

(17) Section 3, chapter 75, Laws of 1983 1st ex. sess. and RCW 28B.16.116;

(18) Section 12, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.120;

(19) Section 13, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.130;

(20) Section 14, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.140;

(21) Section 15, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.150;

(22) Section 16, chapter 36, Laws of 1969 ex. sess., section 72, chapter 81, Laws of 1971, section 27, chapter 202, Laws of 1988 and RCW 28B.16.160;

(23) Section 26, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.170;

(24) Section 17, chapter 36, Laws of 1969 ex. sess., section 3, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.16.180;

(25) Section 19, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.190;

(26) Section 20, chapter 36, Laws of 1969 ex. sess., section 18, chapter 151, Laws of 1979 and RCW 28B.16.200;

(27) Section 29, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.210;

(28) Section 31, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.220;

(29) Section 14, chapter 215, Laws of 1969 ex. sess., section 6, chapter 62, Laws of 1973 and RCW 28B.16.230;

(30) Section 1, chapter 46, Laws of 1979 ex. sess. and RCW 28B.16.240;

(31) Section 11, chapter 461, Laws of 1985 and RCW 28B.16.255;

(32) Section 12, chapter 461, Laws of 1985 and RCW 28B.16.265;

(33) Section 13, chapter 461, Laws of 1985 and RCW 28B.16.275;

(34) Section 18, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.900;

(35) Section 27, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.910;

(36) Section 30, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.920;

(37) Section 28, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.930;

(38) Section 1, chapter 311, Laws of 1981 and RCW 41.64.010;

(39) Section 3, chapter 311, Laws of 1981 and RCW 41.64.020;

(40) Section 4, chapter 311, Laws of 1981, section 4, chapter 34, Laws of 1984, section 73, chapter 287, Laws of 1984 and RCW 41.64.030;

(41) Section 5, chapter 311, Laws of 1981 and RCW 41.64.040;

(42) Section 6, chapter 311, Laws of 1981 and RCW 41.64.050;

(43) Section 7, chapter 311, Laws of 1981 and RCW 41.64.060;

(44) Section 8, chapter 311, Laws of 1981 and RCW 41.64.070;

(45) Section 9, chapter 311, Laws of 1981 and RCW 41.64.080;

(46) Section 10, chapter 311, Laws of 1981 and RCW 41.64.090;

(47) Section 11, chapter 311, Laws of 1981 and RCW 41.64.100;

(48) Section 12, chapter 311, Laws of 1981, section 7, chapter 461, Laws of 1985 and RCW 41.64.110;

(49) Section 13, chapter 311, Laws of 1981 and RCW 41.64.120;

(50) Section 14, chapter 311, Laws of 1981 and RCW 41.64.130;

(51) Section 15, chapter 311, Laws of 1981, section 42, chapter 202, Laws of 1988 and RCW 41.64.140;

(52) Section 2, chapter 311, Laws of 1981 and RCW 41.64.900;

(53) Section 24, chapter 311, Laws of 1981 and RCW 41.64.910;

(54) Section 23, chapter 1, Laws of 1961 and RCW 41.06.230;

(55) Section 1, chapter 45, Laws of 1969 and RCW 41.06.300;

(56) Section 2, chapter 45, Laws of 1969 and RCW 41.06.310;

(57) Section 3, chapter 45, Laws of 1969 and RCW 41.06.320;

(58) Section 4, chapter 45, Laws of 1969 and RCW 41.06.330; and

(59) Section 13, chapter 215, Laws of 1969 ex. sess. and RCW 41.06.340.

NEW SECTION. Sec. 71. CODIFICATION DIRECTIONS. Sections 1 through 21 of this act shall constitute a new chapter in Title 41, RCW.

NEW SECTION. Sec. 72. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 73. EFFECTIVE DATE AND TRANSITION PROVISIONS. (1) Part I (sections 1 through 73) of this act shall take effect on July 1, 1991, except for sections 1 through 21 of this act which shall take effect January 1, 1990. The governor shall take such action as is necessary,

including appointment of the members of the state employees' relations board, to ensure that sections 1 through 21 of this act are implemented on their effective date. Until July 1, 1991, the state employees' relations board shall contract with the department of personnel for labor relations staffing necessary to carry out its functions.

(2) The provisions of all collective bargaining agreements in effect covering employees affected by sections 1 through 21 of this act as of the effective date of Part I (sections 1 through 73) of this act and that expire prior to July 1, 1991, shall be extended without change through and including June 30, 1991, at which time all such agreements shall expire.

(3) Any collective bargaining agreement entered into prior to the effective date of Part I (sections 1 through 73) of this act covering employees affected by sections 1 through 21 of this act that expires after the effective date of Part I (sections 1 through 73) of this act shall, unless a superseding agreement complying with this chapter is negotiated by the parties, remain in full force during its duration, but shall not be renewed or extended. Negotiations for an agreement to succeed agreements under this subsection shall commence one year prior to expiration of the agreement or by July 1 preceding expiration, whichever occurs first. The succeeding contract shall expire on July 1 of the next odd-numbered year.

(4) Collective bargaining under Part I (sections 1 through 73) of this act concerning employees affected by sections 1 through 21 of this act shall not commence prior to July 1, 1990, and the provisions of any collective bargaining agreement negotiated under this chapter shall not be effective prior to July 1, 1991.

PART II: STATE PERSONNEL ADMINISTRATION

NEW SECTION. Sec. 74. The legislature finds that the citizens of the state would benefit from cooperative labor-management agreements regarding employee wages, hours, and terms of employment wherever bargaining units have been established by statute. It is therefore the intent of the legislature, to ensure a collaborative environment for bargaining, that the director of the department of personnel be appointed by the governor and confirmed by the senate. It is further the intent of the legislature that the governor's appointment authority over the director of personnel be contingent on the enactment of legislation authorizing collective bargaining with state employees over wages, hours, and terms of employment.

Sec. 75. Section 1, chapter 11, Laws of 1972 ex. sess. as last amended by section 2, chapter 389, Laws of 1987 and RCW 41.06.070 are each amended to read as follows:

~~(The provisions of this chapter do)~~ Except as specifically provided, this chapter does not apply to:

(1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;

(2) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(3) Officers, academic personnel, and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board;

(4) The officers of the Washington state patrol;

(5) Elective officers of the state;

(6) The chief executive officer of each agency;

(7) In the departments of employment security, fisheries, social and health services, the director and his confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his confidential secretary, and his statutory assistant directors;

(8) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(a) All members of such boards, commissions, or committees;

(b) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: (i) The secretary of the board, commission, or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(c) If the members of the board, commission, or committee serve on a full-time basis: (i) The chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(d) If all members of the board, commission, or committee serve ex officio: (i) The chief executive officer; and (ii) the confidential secretary of such chief executive officer;

(9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(10) Assistant attorneys general;

(11) Commissioned and enlisted personnel in the military service of the state;

(12) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the state personnel board or the board having jurisdiction;

(13) The public printer or to any employees of or positions in the state printing plant;

(14) Officers and employees of the Washington state fruit commission;

(15) Officers and employees of the Washington state apple advertising commission;

(16) Officers and employees of the Washington state dairy products commission;

(17) Officers and employees of the Washington tree fruit research commission;

(18) Officers and employees of the Washington state beef commission;

(19) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

(20) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

(21) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

(22) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(23) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;

(24) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(25) All employees of the marine employees' commission;

(26) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit;

(27) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to agency heads or deputy agency heads;

(28) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred eighty-seven for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The ~~((state personnel board))~~ director shall report to each regular session of the legislature during an odd-numbered year all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (10) through (22) of this section, shall be determined by the state personnel board. For these exempt positions, incremental salary increases within the series of steps for each pay grade shall be granted only if specifically approved in writing by the head of the employing agency.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary ~~((within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the personnel board may approve one extension~~

of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin on July 10, 1982).

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided in this section.

(29) The 1989 amendments to subsections (1) through (28) of this section shall not take effect if any section or sections of Part I (sections 1 through 73) of this act are vetoed.

Sec. 76. Section 13, chapter 1, Laws of 1961 as amended by section 3, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.130 are each amended to read as follows:

The office of director of personnel is hereby established.

~~(1) ((Within ninety days after December 8, 1960, a director of personnel shall be appointed. The merit system director then serving under RCW 50.12.030, whose position is terminated by this chapter, may serve as director of personnel hereunder until a permanent director of personnel is appointed as herein provided, and may be appointed as director of personnel by the governor alone; or the governor may fill the position in the manner hereinafter provided for subsequent vacancies therein on the basis of competitive examination, in conformance with board rules for competitive examinations, for which examinations the merit system director is eligible.~~

~~(2)) The director of personnel shall be appointed by the governor ((from a list of three names submitted to him by the board with its recommendations. The names on such list shall be those of the three standing highest upon competitive examination conducted by a committee of three persons appointed by the board solely for that purpose whenever the position is vacant)) and shall be subject to senate confirmation. Only persons with substantial experience in the field of personnel management are eligible ((to take such examination)) for appointment to the position of director of personnel. The director's salary shall be established by the governor in accordance with RCW 43.03.040.~~

~~((3)) (2) The director of personnel ((is removable for cause by)) shall serve at the pleasure of the governor ((with the approval of a majority of the board or by a majority of the board)).~~

~~((4)) (3) The director of personnel shall direct and supervise all the department of personnel's administrative and technical activities in accordance with the provisions of this chapter and the rules and regulations approved and promulgated thereunder. ((He)) The director shall prepare for consideration by the board proposed rules and regulations required by this chapter. ((His salary shall be fixed by the board.~~

~~(5)) (4) The department of personnel shall be organized into administrative divisions that the director deems necessary to promote efficient public management, to improve programs, and to take full advantage of both fiscal and administrative economies.~~

(5) The director of personnel may delegate to any agency the authority to perform administrative and technical personnel activities if the agency requests such authority and the director of personnel is satisfied that the agency has the personnel management capabilities to effectively perform the delegated activities. The director of personnel shall prescribe standards and guidelines for the performance of delegated activities. If the director of personnel determines that an agency is not performing delegated activities within the prescribed standards and guidelines, the director shall withdraw the authority from the agency to perform such activities.

(6) The 1989 amendments to subsections (1) through (5) of this section shall not take effect if any section or sections of Part I (sections 1 through 73) of this act are vetoed.

Sec. 77. Section 13, chapter 215, Laws of 1969 ex. sess. and RCW 41.06.340 are each amended to read as follows:

Each and every provision of RCW 41.56.140 through 41.56.190 shall be applicable to this chapter as it relates to state civil service employees and the state personnel board, or its designee, whose final decision shall be appealable to the state personnel board, which is granted all powers and authority granted to the ((department of labor and industries)) public employment relations commission by RCW 41.56.140 through 41.56.190.

Sec. 78. Section 7, chapter 118, Laws of 1980 and RCW 41.06.430 are each amended to read as follows:

(1) The board, by rule, shall develop a career executive program which recognizes the profession of management and recognizes excellence in managerial skills in order to (a) identify, attract, and retain highly qualified executive candidates, (b) provide outstanding employees a broad opportunity for career development, and (c) provide for the mobility of such employees among agencies, it being to the advantage of the state to make the most beneficial use of individual managerial skills.

(2) To accomplish the purposes of subsection (1) of this section, the board, notwithstanding any other provision of this chapter, may provide policies and standards for recruitment, appointment, examination, training, probation, employment register control, certification, classification, salary administration, transfer, promotion, reemployment, conditions of employment, and separation separate from procedures established for other employment.

(3) The director, in consultation with affected agencies, shall recommend to the board the classified positions which may be filled by participants in the career executive program. Upon

the request of an agency, management positions that are exempt from the state civil service law pursuant to RCW 41.06.070 may be included in all or any part of the career executive program: PROVIDED, That an agency may at any time, after providing written notice to the board, withdraw an exempt position from the career executive program. No employee may be placed in the career executive program without the employee's consent.

(4) The number of employees participating in the career executive program shall not exceed ~~((one))~~ two percent of the employees subject to the provisions of this chapter.

(5) The director shall monitor and review the impact of the career executive program to ensure that the responsibilities of the state to provide equal employment opportunities are diligently carried out. The director shall report to the board the impact of the career executive program on the fulfillment of such responsibilities.

(6) Any classified state employee, upon entering a position in the career executive program, shall be entitled subsequently to revert to any class or position previously held with permanent status, or, if such position is not available, revert to a position similar in nature and salary to the position previously held.

(7) The 1989 amendment to subsection (4) of this section shall not take effect if any section or sections of Part I (sections 1 through 73) of this act are vetoed.

NEW SECTION, Sec. 79. A new section is added to chapter 41.04 RCW to read as follows:

(1) In the executive branch, personnel exempted from chapter 41.06 RCW who are not covered by the federal Fair Labor Standards Act maximum hour provisions are not eligible to receive overtime cash payment or compensatory time. 'Compensatory time' means time off in lieu of cash payment for overtime.

(2) Vacation and sick leave for executive branch personnel exempted from chapter 41.06 RCW who are not covered by the federal Fair Labor Standards Act maximum hour provisions shall be governed by the rules adopted under RCW 41.06.150(8).

NEW SECTION, Sec. 80. The department of personnel shall review the practices regarding overtime, including payment for overtime, vacation, and sick leave for personnel exempted from chapter 41.06 RCW and all executive branch agencies. The department shall report its findings to the legislature no later than January 1, 1990.

NEW SECTION, Sec. 81. Section 24, chapter 1, Laws of 1961 and RCW 41.06.240 are each repealed.

NEW SECTION, Sec. 82. RCW 72.09.220 is decodified.

NEW SECTION, Sec. 83. Section 80 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately. The remainder of Part II (sections 74 through 79, 81, and 82) of this act shall take effect July 1, 1990.*

In line 1 of the title, after "administration," strike the remainder of the title and insert "amending RCW 34.05.030, 41.04.230, 41.06.070, 41.06.110, 41.06.170, 28B.10.824, 28B.10.650, 28B.12.060, 28B.50.060, 28B.80.350, 28B.80.430, 28C.15.020, 34.12.020, 41.04.340, 41.06.155, 41.06.163, 41.48.140, 41.60.015, 41.60.041, 42.17.2401, 43.06.410, 43.06.425, 43.88.280, 43.105.052, 49.46.010, 49.74.020, 49.74.030, 49.74.040, 50.13.060, 70.24.300, 41.06.070, 41.06.130, 41.06.340, and 41.06.430; reenacting and amending RCW 41.06.020 and 41.06.150; adding a new chapter to Title 41 RCW; adding new sections to chapter 41.06 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 41.04 RCW; creating new sections; repealing RCW 28B.16.010, 28B.16.020, 28B.16.030, 28B.16.040, 28B.16.041, 28B.16.042, 28B.16.060, 28B.16.070, 28B.16.080, 28B.16.090, 28B.16.100, 28B.16.101, 28B.16.105, 28B.16.110, 28B.16.112, 28B.16.113, 28B.16.116, 28B.16.120, 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160, 28B.16.170, 28B.16.180, 28B.16.190, 28B.16.200, 28B.16.210, 28B.16.220, 28B.16.230, 28B.16.240, 28B.16.255, 28B.16.265, 28B.16.275, 28B.16.900, 28B.16.910, 28B.16.920, 28B.16.930, 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, 41.64.900, 41.64.910, 41.06.230, 41.06.300, 41.06.310, 41.06.320, 41.06.330, 41.06.340, and 41.06.240; decodifying RCW 72.09.220; providing effective dates; and declaring an emergency.*"

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; Hankins, R. King, Morris, O'Brien, Rector and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives McLean, Ranking Republican Member; and Silver.

Referred to Committee on Appropriations.

March 30, 1989

SB 5143 Prime Sponsor, Senator Pullen: Discussing ballot pages and the placement of candidates' names on them. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector, Sayan and Silver.

Absent: Representatives Hankins and R. King.

Passed to Committee on Rules for second reading.

March 31, 1989

SSB 5147 Prime Sponsor, Committee on Financial Institutions & Insurance: Revising definition of credit services organization. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 218, Laws of 1986 and RCW 19.134.010 are each amended to read as follows:

As used in this chapter:

(1) 'Buyer' means any individual who is solicited to purchase or who purchases the services of a credit services organization.

(2)(a) 'Credit services organization' means any person who, with respect to the extension of credit by others, sells, provides, performs, or represents that he or she can or will sell, provide, or perform, in return for the payment of money or other valuable consideration any of the following services:

(i) Improving, saving, or preserving a buyer's credit record, history, or rating;

(ii) Obtaining an extension of credit for a buyer: ((or))

(iii) Stopping, preventing, or delaying the foreclosure of a deed of trust, mortgage, or other security agreement; or

(iv) Providing advice or assistance to a buyer with regard to either (a)(i) ((or)); (a)(ii); or (a)(iii) of this subsection.

(b) 'Credit services organization' does not include:

(i) Any person authorized to make loans or extensions of credit under the laws of this state or the United States who is subject to regulation and supervision by this state or the United States or a lender approved by the United States secretary of housing and urban development for participation in any mortgage insurance program under the national housing act;

(ii) Any bank, savings bank, or savings and loan institution whose deposits or accounts are eligible for insurance by the federal deposit insurance corporation or the federal savings and loan insurance corporation, or a subsidiary of such bank, savings bank, or savings and loan institution;

(iii) Any credit union, federal credit union, or out-of-state credit union doing business in this state under chapter 31.12 RCW;

(iv) Any nonprofit organization exempt from taxation under section 501(c)(3) of the internal revenue code;

(v) Any person licensed as a real estate broker by this state if the person is acting within the course and scope of that license;

(vi) Any person licensed as a collection agency pursuant to chapter 19.16 RCW if acting within the course and scope of that license;

(vii) Any person licensed to practice law in this state if the person renders services within the course and scope of his or her practice as an attorney;

(viii) Any broker-dealer registered with the securities and exchange commission or the commodity futures trading commission if the broker-dealer is acting within the course and scope of that regulation; ((or))

(ix) Any consumer reporting agency as defined in the federal fair credit reporting act, 15 U.S.C. Secs. 1681 through 1681i; or

(x) Any mortgage broker as defined in RCW 19.146.010 if acting within the course and scope of that definition.

(3) 'Extension of credit' means the right to defer payment of debt or to incur debt and defer its payment offered or granted primarily for personal, family, or household purposes.

Sec. 2. Section 3, chapter 218, Laws of 1986 and RCW 19.134.020 are each amended to read as follows:

A credit services organization, its salespersons, agents, and representatives, and independent contractors who sell or attempt to sell the services of a credit services organization may not do any of the following:

(1) Charge or receive any money or other valuable consideration prior to full and complete performance of the services the credit services organization has agreed to perform for the buyer, unless the credit services organization has obtained a surety bond of ten thousand dollars issued by a surety company admitted to do business in this state and established a trust account at a federally insured bank or savings and loan association located in this state. The surety bond shall run to the state of Washington and the buyers. The surety bond shall be issued on the condition that the principal comply with all provisions of this chapter and fully perform on all contracts entered into with buyers. The surety bond shall be continuous until canceled and shall remain in full force and unimpaired at all times to comply with this section. The surety's liability for all claims in the aggregate against the continuous bond shall not

exceed the penal sum of the bond. An action on the bond may be brought by the state or by any buyer by filing a complaint in a court of competent jurisdiction, including small claims court, within one year of cancellation of the surety bond. A complaint may be mailed by registered or certified mail, return receipt requested, to the surety and shall constitute good and sufficient service on the surety;

(2) Charge or receive any money or other valuable consideration solely for referral of the buyer to a retail seller who will or may extend credit to the buyer if the credit that is or will be extended to the buyer is upon substantially the same terms as those available to the general public;

(3) Make or counsel or advise any buyer to make any statement that is untrue or misleading or that should be known by the exercise of reasonable care to be untrue or misleading, to a credit reporting agency or to any person who has extended credit to a buyer or to whom a buyer is applying for an extension of credit with respect to a buyer's credit worthiness, credit standing, or credit capacity;

(4) Make or use any untrue or misleading representations in the offer or sale of the services of a credit services organization or engage, directly or indirectly, in any act, practice, or course of business that operates or would operate as fraud or deception upon any person in connection with the offer or sale of the services of a credit services organization."

On page 1, line 1 of the title, after "organizations;" strike the remainder of the title and insert "and amending RCW 19.134.010 and 19.134.020."

Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Day, P. King, Schmidt, K. Wilson and Winsley.

Absent: Representative Dorn.

Passed to Committee on Rules for second reading.

March 30, 1989

SB 5150 Prime Sponsor, Senator Bender: Declaring prisoner of war recognition day. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector, Sayan and Silver.

Absent: Representatives Hankins and R. King.

Passed to Committee on Rules for second reading.

March 30, 1989

ESB 5156 Prime Sponsor, Senator Thorsness: Providing for the Cedar river sock-eye salmon enhancement program. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Beck, Berozoff, Bowman, Braddock, Bristow, Fraser, Jacobsen, Peery, Wang and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1989

SB 5167 Prime Sponsor, Senator Pullen: Revising campaign finance reporting. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 1, Laws of 1973 as last amended by section 5, chapter 34, Laws of 1984 and RCW 42.17.020 are each amended to read as follows:

(1) 'Agency' includes all state agencies and all local agencies. 'State agency' includes every state office, department, division, bureau, board, commission, or other state agency. 'Local agency' includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) 'Ballot proposition' means any 'measure' as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) ~~'((Campaign)) Depository'~~ means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) ~~'((Campaign)) Treasurer'~~ and 'deputy ~~((campaign))~~ treasurer' mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) 'Candidate' means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) 'Commercial advertiser' means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) 'Commission' means the agency established under RCW 42.17.350.

(8) 'Compensation' unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term 'compensation' shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(9) 'Continuing political committee' means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(10) 'Contribution' includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of ~~((part-time))~~ personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of ~~((twenty-five))~~ fifty dollars personally paid for by the worker. ~~((Part-time))~~ Volunteer services, for the purposes of this chapter, means services ~~((in addition to regular full-time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends))~~ or labor for which the individual is not compensated by any person. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution.

(11) 'Elected official' means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(12) 'Election' includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(13) 'Election campaign' means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(14) 'Expenditure' includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term 'expenditure' also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term 'expenditure' shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported ~~((or payment of service charges against a political committee's campaign account))~~.

(15) 'Final report' means the report described as a final report in RCW 42.17.080(2).

(16) 'Immediate family' includes the spouse, dependent children, and other dependent relatives, if living in the household.

(17) 'Legislation' means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other

matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

(18) 'Lobby' and 'lobbying' each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act ~~(§)~~, chapter ~~(34.04)~~ 34.05 RCW ~~(and chapter 28B.19 RCW)~~.

(19) 'Lobbyist' includes any person who lobbies either in his own or another's behalf.

(20) 'Lobbyist's employer' means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

(21) 'Person' includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(22) 'Person in interest' means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term 'person in interest' means and includes the parent or duly appointed legal representative.

(23) 'Political advertising' includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(24) 'Political committee' means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(25) 'Public office' means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(26) 'Public record' includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(27) 'Surplus funds' mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, 'surplus funds' mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

(28) 'Writing' means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 2. Section 4, chapter 1, Laws of 1973 as last amended by section 1, chapter 147, Laws of 1982 and RCW 42.17.040 are each amended to read as follows:

(1) Every political committee, within two weeks after its organization or, within two weeks after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the commission and with the county auditor or elections officer of the county in which the candidate resides ~~((f))~~, or in the case of ~~((a))~~ any other political committee ~~((supporting or opposing a ballot proposition))~~, the county in which the ~~((campaign))~~ treasurer resides ~~((f))~~. A political committee organized within the last three weeks before an election and having the expectation of receiving contributions or making expenditures during and for that election campaign shall file a statement of organization within three business days after its organization or when it first has the expectation of receiving contributions or making expenditures in the election campaign.

(2) The statement of organization shall include but not be limited to:

(a) The name and address of the committee;

(b) The names and addresses of all related or affiliated committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders;

(d) The name and address of its ~~((campaign))~~ treasurer and ~~((campaign))~~ depository;

(e) A statement whether the committee is a continuing one;

(f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party;

(g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;

(h) What distribution of surplus funds will be made, in accordance with RCW 42.17.095, in the event of dissolution;

(i) The street address of the place and the hours during which the committee will make available for public inspection its books of account and all reports filed in accordance with RCW ~~((42.17.065 and))~~ 42.17.080~~((as now or hereafter amended));~~ and

(j) Such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(3) Any material change in information previously submitted in a statement of organization shall be reported to the commission and to the appropriate county elections officer within the ten days following the change.

Sec. 3. Section 5, chapter 1, Laws of 1973 as last amended by section 3, chapter 367, Laws of 1985 and RCW 42.17.050 are each amended to read as follows:

(1) Each candidate, within two weeks after becoming a candidate, and each political committee, at the time it is required to file a statement of organization, shall designate and file with the commission and the appropriate county elections officer the names and addresses of:

(a) One legally competent individual, who may be the candidate, to serve as a ~~((campaign))~~ treasurer; and

(b) A bank, mutual savings bank, savings and loan association, or credit union doing business in this state to serve as ~~((campaign))~~ depository and the name of the account or accounts ~~((therein))~~ maintained in it.

(2) A candidate, a political committee, or a ~~((campaign))~~ treasurer may appoint as many deputy ~~((campaign))~~ treasurers as is considered necessary and may designate not more than one additional ~~((campaign))~~ depository in each other county in which the campaign is conducted. The candidate or political committee shall file the names and addresses of the deputy ~~((campaign))~~ treasurers and additional ~~((campaign))~~ depositories with the commission and the appropriate county elections officer.

(3) A candidate may not knowingly establish, use, direct, or control more than one political committee for the purpose of supporting that candidate during a particular election campaign. This does not prohibit: (a) In addition to a candidate's having his or her own political committee, the candidate's participation in a political committee established to support a slate of candidates which includes the candidate; or (b) joint fund-raising efforts by candidates when a separate political committee is established for that purpose and all contributions are disbursed to and accounted for on a pro rata basis by the benefitting candidates.

(4) (a) A candidate or political committee may at any time remove a ~~((campaign))~~ treasurer or deputy ~~((campaign))~~ treasurer or change a designated ~~((campaign))~~ depository.

(b) In the event of the death, resignation, removal, or change of a ~~((campaign))~~ treasurer, deputy ~~((campaign))~~ treasurer, or depository, the candidate or political committee shall designate and file with the commission and the appropriate county elections officer the name and address of any successor.

(5) No ~~((campaign))~~ treasurer, deputy ~~((campaign))~~ treasurer, or ~~((campaign))~~ depository may be deemed to be in compliance with the provisions of this chapter until his name and address is filed with the commission and the appropriate county elections officer.

Sec. 4. Section 6, chapter 1, Laws of 1973 as last amended by section 1, chapter 268, Laws of 1987 and RCW 42.17.060 are each amended to read as follows:

(1) All monetary contributions received by a candidate or political committee shall be deposited by the ~~((campaign))~~ treasurer or deputy treasurer in a ~~((campaign))~~ depository in an account established and designated for that purpose. Such deposits shall be made within five business days of receipt of the contribution.

(2) Political committees which support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purpose: PROVIDED, That each such account shall bear the same name followed by an appropriate designation which accurately identifies its separate purpose: AND PROVIDED FURTHER, That transfers of funds which must be reported under RCW 42.17.090(1)(d)~~((as now or hereafter amended));~~ may not be made from more than one such account.

(3) Nothing in this section prohibits a candidate or political committee from investing funds on hand in a ~~((campaign))~~ depository in bonds, certificates, tax-exempt securities, or savings accounts or other similar instruments in financial institutions or mutual funds other than the ~~((campaign))~~ depository: PROVIDED, That the commission and the appropriate county elections officer is notified in writing of the initiation and the termination of the investment: PROVIDED FURTHER, That the principal of such investment when terminated together with all interest, dividends, and income derived from the investment are deposited in the ~~((campaign))~~ depository in the account from which the investment was made and properly reported to the commission and the appropriate county elections officer prior to any further disposition or expenditure thereof.

(4) Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's (~~campaign~~) treasurer pursuant to RCW 42.17.090(1)(b), which total in excess of one percent of the total accumulated contributions received in the current calendar year or three hundred dollars (whichever is more), may not be deposited, used, or expended, but shall be returned to the donor, if his identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the state treasurer for deposit in the state general fund.

(5) A contribution of more than fifty dollars in currency may not be accepted unless a receipt, signed by the contributor and by the candidate, (~~campaign~~) treasurer, or deputy (~~campaign~~) treasurer, is prepared and made a part of the campaign's or political committee's financial records.

Sec. 5. Section 5, chapter 294, Laws of 1975 1st ex. sess. as amended by section 4, chapter 147, Laws of 1982 and RCW 42.17.065 are each amended to read as follows:

(1) In addition to the provisions of this section, a continuing political committee shall file and report on the same conditions and at the same times as any other committee in accordance with the provisions of RCW 42.17.040, 42.17.050, and 42.17.060 (~~as now or hereafter amended~~).

(2) A continuing political committee shall file with the commission and the auditor or elections officer of the county in which the committee maintains its office or headquarters and if there is no such office or headquarters then in the county in which the committee treasurer resides a report on the tenth day of the month detailing its activities for the preceding calendar month in which the committee has received a contribution or made an expenditure: PROVIDED, That such report shall only be filed if either the total contributions received or total expenditures made since the last such report exceed two hundred dollars. The report shall be on a form supplied by the commission and shall include the following information:

(a) The information required by RCW 42.17.090 (~~as now or hereafter amended~~);

(b) Each expenditure made to retire previously accumulated debts of the committee; identified by recipient, amount, and date of payments;

(c) Such other information as the commission shall by rule prescribe.

(3) If a continuing political committee shall make a contribution in support of or in opposition to a candidate or ballot proposition within sixty days prior to the date on which such candidate or ballot proposition will be voted upon, such continuing political committee shall report pursuant to RCW 42.17.080 (~~as now or hereafter amended, until twenty-one days after said election~~).

(4) A continuing political committee shall file reports as required by this chapter until it is dissolved, at which time a final report shall be filed. Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

(5) The campaign treasurer shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of any election, for which the committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 (~~as now or hereafter amended~~), at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer or such other place as may be authorized by the commission.

(6) All reports filed pursuant to this section shall be certified as correct by the campaign treasurer.

(7) The campaign treasurer shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

Sec. 6. Section 9, chapter 112, Laws of 1975-'76 2nd ex. sess. as amended by section 5, chapter 147, Laws of 1982 and RCW 42.17.067 are each amended to read as follows:

(1) Fund-raising activities which meet the standards of subsection (2) of this section may be reported in accordance with the provisions of this section in lieu of reporting in accordance with RCW 42.17.080 (~~as now or hereafter amended~~).

(2) (~~A fund-raising activity which is to be reported in accordance with the provisions of this section shall conform with the following~~) Standards:

(a) The (~~income resulting from the conduct of the~~) activity (~~is derived solely from either~~) consists of one or more of the following:

(i) The retail sale of goods or services at (~~prices which in no case exceed~~) a reasonable approximation of the fair market value of each item or service sold at the activity(~~;~~); or

(ii) A gambling operation which is licensed, conducted, or operated in accordance with the provisions of chapter 9.46 RCW (~~and at which in no case is the monetary value of any~~

~~prize exceeded by the monetary value of any single wager which may be made by a person participating in such activity); or~~

~~(iii) A gathering where food and beverages are purchased, where the price of admission or the food and beverages is no more than twenty-five dollars; or~~

~~(iv) A concert, dance, theater performance, or similar entertainment event where the price of admission is no more than twenty-five dollars; or~~

~~(v) An auction or similar sale where the total fair market value of items donated by any person for sale is no more than fifty dollars; and~~

~~(b) No person responsible for receiving money at such activity ((may)) knowingly accepts payments from a single person ((which would result in a profit)) at or from such an activity to the candidate or committee ((of twenty-five)) aggregating more than fifty dollars ((or more)) unless the name and address of the person making such payment together with the ((approximate)) amount ((of profit)) paid to the candidate or committee ((resulting from such payment)) are disclosed in the report filed pursuant to subsection ((4)) (6) of this section; and~~

~~(c) Such other standards as shall be established by rule ((and regulation)) of the commission to prevent frustration of the purposes of this chapter.~~

~~(3) All funds ((obtained through the use of)) received from a fund-raising activity which conforms with ((the provisions of)) subsection (2) of this section shall be deposited within five business days of receipt by the ((campaign)) treasurer or deputy ((campaign)) treasurer in the ((same account into which contributions received by the committee are being deposited pursuant to RCW 42.17.060)) depository.~~

~~(4) At the time ((such funds are deposited in accordance with subsection (3) of this section)) reports are required under RCW 42.17.080, the ((campaign)) treasurer or deputy ((campaign)) treasurer making the deposit shall file with the commission and the appropriate county elections officer a report of the fund-raising activity which shall contain the following information:~~

~~(a) The date ((on which)) of the activity ((occurred));~~

~~(b) ((The location at which the activity occurred;~~

~~(c)) A precise description of the fund-raising methods used in the activity; and~~

~~((d) A financial statement noting gross receipts and expenses for the activity, including an inventory list where appropriate;~~

~~(e) The monetary value of wagers made and prizes distributed for winning wagers, where appropriate;~~

~~(f) The name and address of each person who contributed goods or services to the committee for sale at the activity if the fair market value of the goods or services contributed equals twenty-five dollars or more in the aggregate from such person, together with a precise description of each item or service contributed and its estimated market value;~~

~~(g) The name and address of each person whose identity can be ascertained and who makes payments to the committee at such activity which result in a profit of twenty-five dollars or more to the committee, together with the approximate amount of profit to the committee which results from such payments; and~~

~~(h) A complete listing of the names and addresses of the persons responsible for conducting the activity.~~

~~(5) The statement required by subsection (4) of this section shall be in duplicate upon a form prescribed by the commission, one copy to be filed by the campaign treasurer with the commission, and one copy to be retained by him for his records. Each statement shall be certified as correct by the campaign))~~

~~(c) The total amount of cash receipts from persons, each of whom paid no more than fifty dollars.~~

~~(5) The treasurer or deputy treasurer ((making the deposit)) shall certify the report is correct.~~

~~(6) The treasurer shall report pursuant to RCW 42.17.080 and 42.17.090: (a) The name and address and the amount contributed of each person who contributes goods or services with a fair market value of more than fifty dollars to a fund-raising activity reported under subsection (4) of this section, and (b) the name and address of each person whose identity can be ascertained, and the amount paid, from whom were knowingly received payments to the candidate or committee aggregating more than fifty dollars at or from such a fund-raising activity.~~

~~Sec. 7. Section 7, chapter 1, Laws of 1973 as amended by section 5, chapter 367, Laws of 1985 and RCW 42.17.070 are each amended to read as follows:~~

~~No expenditures may be made or incurred by any candidate or political committee except on the authority of the ((campaign)) treasurer or the candidate, and a record of all such expenditures shall be maintained by the ((campaign)) treasurer.~~

~~No expenditure of more than fifty dollars may be made in currency unless a receipt, signed by the recipient and by the candidate or ((campaign)) treasurer, is prepared and made a part of the campaign's or political committee's financial records.~~

~~Sec. 8. Section 8, chapter 1, Laws of 1973 as last amended by section 1, chapter 28, Laws of 1986 and RCW 42.17.080 are each amended to read as follows:~~

~~(1) On the day the ((campaign)) treasurer is designated, each candidate or political committee shall file with the commission and the county auditor or elections officer of the county in~~

which the candidate resides ((~~it~~)), or in the case of a political committee ((~~supporting or opposing a ballot proposition~~)), the county in which the ((~~campaign~~)) treasurer resides(~~it~~)), in addition to any statement of organization required under RCW 42.17.040 or 42.17.050 ((~~as now or hereafter amended~~)), a report of all contributions received and expenditures made prior to that date, if any.

(2) At the following intervals each ((~~campaign~~)) treasurer shall file with the commission and the county auditor or elections officer of the county in which the candidate resides ((~~it~~)), or in the case of a political committee ((~~supporting or opposing a ballot proposition~~)), the county in which the ((~~campaign~~)) committee maintains its office or headquarters, and if there is no office or headquarters then in the county in which the ((~~campaign~~)) treasurer resides(~~it~~)), a report containing the information required by RCW 42.17.090 ((~~as now or hereafter amended~~)):

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and

(b) ((~~Within twenty-one days after the date of~~)) On the tenth day of the first month after the election: PROVIDED, That this report shall not be required following a primary election from:

(i) A candidate whose name will appear on the subsequent general election ballot; or

(ii) Any continuing political committee; and

(c) On the tenth day of each month in which no other reports are required to be filed under this section: PROVIDED, That such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

When there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and in the case of a political committee, the committee has ceased to function and has dissolved, the ((~~campaign~~)) treasurer shall file a final report. Upon submitting a final report, the duties of the ((~~campaign~~)) treasurer shall cease and there shall be no obligation to make any further reports.

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of the fifth business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of the one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date on which the special or general election is held and ending on the date of that election, the ((~~campaign~~)) treasurer shall file with the commission and the appropriate county elections officer a report of each contribution received during that period at the time that contribution is deposited pursuant to RCW 42.17.060(1)((~~as now or hereafter amended~~)). The report shall contain the name of each person contributing the funds so deposited and the amount contributed by each person((~~as PROVIDED, That~~)). However, contributions of ((~~less than that~~)) no more than twenty-five dollars from any one person may be deposited without identifying the contributor. A copy of the report shall be retained by the ((~~campaign~~)) treasurer for his records. In the event of deposits made by a deputy ((~~campaign~~)) treasurer, the copy shall be forwarded to the ((~~campaign~~)) treasurer to be retained by him for his records. Each report shall be certified as correct by the ((~~campaign~~)) treasurer or deputy ((~~campaign~~)) treasurer making the deposit.

(4) The ((~~campaign~~)) treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day and shall be open for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 ((~~as now or hereafter amended~~)), at the principal ((~~campaign~~)) headquarters or, if there is no ((~~campaign~~)) headquarters, at the address of the ((~~campaign~~)) treasurer or such other place as may be authorized by the commission. The ((~~campaign~~)) treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

(5) All reports filed pursuant to subsections (1) or (2) of this section shall be certified as correct by the candidate and the ((~~campaign~~)) treasurer.

(6) Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 ((~~as now or hereafter amended~~)), at the principal ((~~campaign~~)) headquarters or, if there is no ((~~campaign~~)) headquarters, at the address of the ((~~campaign~~)) treasurer or such other place as may be authorized by the commission.

Sec. 9. Section 9, chapter 1, Laws of 1973 as last amended by section 2, chapter 12, Laws of 1986 and by section 1, chapter 228, Laws of 1986 and RCW 42.17.090 are each reenacted and amended to read as follows:

(1) Each report required under RCW 42.17.080 (1) and (2) ~~((as now or hereafter amended;))~~ shall disclose ~~((for the period beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure, and ending not more than five days prior to the date the report is due))~~ the following:

(a) The funds on hand at the beginning of the period;

(b) The name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the campaign or in the case of a continuing political committee, the current calendar year: PROVIDED, That pledges in the aggregate of less than one hundred dollars from any one person need not be reported: PROVIDED FURTHER, That the income which results from ~~((the conducting of))~~ a fund-raising activity ~~((which has previously been reported))~~ conducted in accordance with RCW 42.17.067 may be reported as one lump sum, with the exception of that portion of such income which was received from persons whose names and addresses are required to be included in the report required by RCW 42.17.067: PROVIDED FURTHER, That contributions of ~~((less))~~ no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the name~~(s)~~, address~~(es)~~, and amount~~(s)~~ of each such contributor: PROVIDED FURTHER, That the money value of contributions of postage shall be the face value of such postage;

(c) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(d) All other contributions not otherwise listed or exempted:

(e) The name and address of each candidate or political committee ~~((from which the reporting committee or candidate received, or))~~ to which ~~((that committee or candidate made;))~~ any transfer of funds was made, together with the amounts~~(;)~~ and dates~~(- and purpose)~~ of ~~((all))~~ such transfers~~((- information regarding the following shall be contained in a separate category of the report bearing the title "Transfer of funds": Contributions made from the campaign depository of one candidate to the campaign of another candidate; and contributions received by a candidate, or for the campaign of the candidate, from the campaign depository of another candidate;~~

~~((e) All other contributions not otherwise listed or exempted;))~~

(f) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars ~~((or more))~~ during the period covered by this report, and the amount, date, and purpose of each such expenditure. A candidate for state executive or state legislative office or the political committee of such a candidate shall report this information for an expenditure under one of the following categories, whichever is appropriate: (i) Expenditures for the election of the candidate; (ii) expenditures for nonreimbursed public office-related expenses; (iii) expenditures required to be reported under (e) of this subsection; or (iv) expenditures of surplus funds and other expenditures. The report of such a candidate or committee shall contain a separate total of expenditures for each category and a total sum of all expenditures. Other candidates and political committees need not report information regarding expenditures under the categories listed in (i) through (iv) of this subsection or under similar such categories unless required to do so by the commission by rule. The report of such an other candidate or committee shall also contain the total sum of all expenditures:

(g) ~~((The total sum of expenditures;))~~ The name and address of any person and the amount owed for any debt, obligation, note, unpaid loan, or other liability in the amount of more than two hundred fifty dollars or in the amount of more than fifty dollars that has been outstanding for over thirty days;

(h) The surplus or deficit of contributions over expenditures;

(i) The disposition made in accordance with RCW 42.17.095 of any surplus funds;

(j) Such other information as shall be required by the commission by ~~((regulation))~~ rule in conformance with the policies and purposes of this chapter; and

(k) Funds received from a political committee ~~((not domiciled in Washington state or))~~ not otherwise required to report under this chapter (a "nonreporting committee"). Such funds shall be forfeited to the state of Washington unless the nonreporting committee ~~((or the recipient of such funds))~~ has filed or within ten days following such receipt ~~((shall))~~ file with the commission a statement disclosing: (i) its name and address; (ii) the purposes of the nonreporting committee; (iii) the names, addresses, and titles of its officers or if it has no officers, the names, addresses, and titles of its responsible leaders; (iv) ~~((a statement whether the nonreporting committee is a continuing one; (v)))~~ the name, office sought, and party affiliation of each candidate in the state of Washington whom the nonreporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party: ~~((v))~~ (v) the

ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition; ~~((viii))~~ (vi) the name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions in the aggregate of more than twenty-five dollars ~~((or more))~~ to the nonreporting committee during the current calendar year, together with the money value and date of such contributions; ~~((viii))~~ (vi) the name and address of each person in the state of Washington to whom an expenditure was made by the nonreporting committee on behalf of a candidate or political committee in the aggregate amount of ~~((twenty-five))~~ more than fifty dollars ~~((or more))~~, the amount, date, and purpose of such expenditure, and the total sum of such expenditures; ~~((ix))~~ (viii) such other information as the commission may ~~((by regulation))~~ prescribe by rule, in keeping with the policies and purposes of this chapter. A nonreporting committee incurring an obligation to file additional reports in a calendar year may satisfy the obligation by filing with the commission a letter providing updating or amending information.

(2) The ~~((campaign))~~ treasurer and the candidate shall certify the correctness of each report.

Sec. 10. Section 10, chapter 1, Laws of 1973 as last amended by section 6, chapter 367, Laws of 1985 and RCW 42.17.100 are each amended to read as follows:

(1) For the purposes of this section the term 'independent campaign expenditure' means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17.060, ~~((42.17.065))~~ 42.17.080, or 42.17.090.

(2) Within five days after the date of making an independent campaign expenditure that by itself or when added to all other such independent campaign expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within five days after the date of making an independent campaign expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent campaign expenditure shall file with the commission and the county ~~((auditor))~~ elections officer of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a local ballot proposition, the county of residence for the person making the expenditure) an initial report of all independent campaign expenditures made during the campaign prior to and including such date.

(3) At the following intervals each person who is required to file an initial report pursuant to subsection (2) of this section shall file with the commission and the county ~~((auditor))~~ elections officer of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person making the expenditure) a further report of the independent campaign expenditures made since the date of the last report:

(a) On the twenty-first day ~~((preceding the primary))~~ and the seventh day preceding the date on which the election is held; and

(b) ~~((Within twenty-one days after the date of))~~ On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed pursuant to this section. However, the further reports required by this subsection (3) shall only be filed if the reporting person has made an independent campaign expenditure since the date of the last previous report filed.

The report filed pursuant to paragraph (a) of this subsection (3) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

(4) All reports filed pursuant to this section shall be certified as correct by the reporting person.

(5) Each report required by subsections (2) and (3) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent campaign expenditure, and ending not more than ~~((five days prior to))~~ one business day before the date the report is due:

(a) The name and address of the person filing the report;

(b) The name and address of each person to whom an independent campaign expenditure was made in the aggregate amount of ~~((twenty-five))~~ more than fifty dollars ~~((or more))~~, and the amount, date, and purpose of each such expenditure. If no reasonable estimate of the monetary value of a particular independent campaign expenditure is practicable, it is sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(c) The total sum of all independent campaign expenditures made during the campaign to date; and

(d) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter.

Sec. 11. Section 1, chapter 176, Laws of 1983 as last amended by section 2, chapter 228, Laws of 1986 and RCW 42.17.105 are each amended to read as follows:

(1) Campaign treasurers shall prepare and deliver to the commission a special report regarding any contribution which:

- (a) Exceeds five hundred dollars;
- (b) Is from a single person or entity;
- (c) Is received before a primary or general election; and
- (d) Is received: (i) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (ii) within twenty-one days preceding that general election.

(2) Any political committee making a contribution which exceeds five hundred dollars shall also prepare and deliver to the commission the special report if the contribution is made before a primary or general election and: (a) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (b) within twenty-one days preceding that general election.

(3) Except as provided in subsection (4) of this section, the special report required by this section shall be delivered in written form, including but not limited to mailgram, telegram, or nightletter. The special report required by subsection (1) of this section shall be delivered to the commission within forty-eight hours of the time, or on the first working day after, the contribution is received by the candidate or campaign treasurer. The special report required by subsection (2) of this section and RCW 42.17.175 shall be delivered to the commission, and the candidate or political committee to whom the contribution is made, within twenty-four hours of the time, or on the first working day after, the contribution is made.

(4) The special report may be transmitted orally by telephone to the commission to satisfy the delivery period required by subsection (3) of this section if the written form of the report is also mailed to the commission and postmarked within the delivery period established in subsection (3) of this section.

(5) The special report shall include at least:

- (a) The amount of the contribution;
 - (b) The date of receipt;
 - (c) The name and address of the donor;
 - (d) The name and address of the recipient; and
 - (e) Any other information the commission may by rule require.
- (6) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(7) The commission shall publish daily a summary of the special reports made under this section and RCW 42.17.175.

(8) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17.090 in the aggregate exceeding fifty thousand dollars for any campaign for state-wide office or exceeding five thousand dollars for any other campaign subject to the provisions of this chapter within twenty-one days of a general election. This subsection does not apply to contributions made by, or accepted from, a major Washington state political party as defined in RCW 29.01.090.

Sec. 12. Section 6, chapter 336, Laws of 1977 ex. sess. as amended by section 7, chapter 367, Laws of 1985 and RCW 42.17.125 are each amended to read as follows:

Contributions received and reported in accordance with RCW 42.17.060 through 42.17.090 may only be transferred to the personal account of a candidate, or of a ((campaign)) treasurer or other individual or expended for such individual's personal use under the following circumstances:

(1) Reimbursement for or loans to cover lost earnings incurred as a result of campaigning or services performed for the committee. Such lost earnings shall be verifiable as unpaid salary, or when the individual is not salaried, as an amount not to exceed income received by the individual for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the individual or the individual's political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(2) Reimbursement for direct out-of-pocket election campaign and postelection campaign related expenses made by the individual. To receive reimbursement from the political committee, the individual shall provide the committee with written documentation as to the amount, date, and description of each expense, and the committee shall include a copy of such information when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(3) Repayment of loans made by the individual to political committees, which repayment shall be reported pursuant to RCW 42.17.090.

Sec. 13. Section 3, chapter 228, Laws of 1986 and RCW 42.17.135 are each amended to read as follows:

A candidate or political committee receiving a contribution earmarked for the benefit of another candidate or political committee shall(~~-in addition to reporting~~):

(1) Report the contribution as required in RCW 42.17.080 and 42.17.090((:));

(2) Complete a report, entitled 'Earmarked contributions,' on a form prescribed by the commission by rule, which identifies the name and address of the person who made the contribution, the candidate or political committee for whose benefit the contribution is earmarked, the amount of the contribution, and the date on which the contribution was received; and

(3) Notify the commission and the candidate or political committee for whose benefit the contribution is earmarked regarding ((the)) the receipt of the contribution by mailing or delivering to the commission and to the candidate or committee a copy of the 'Earmarked contributions' report. Such notice shall be given within two working days of receipt of the contribution.

A candidate or political committee ((for whose benefit a contribution is earmarked)) receiving notification of an earmarked contribution under subsection (3) of this section shall report ((such earmarked)) the contribution, once the contribution is received by the candidate or committee, in ((a separate category in)) the same manner as the receipt of any other contribution is disclosed in reports required by RCW 42.17.080 and 42.17.090 ((entitled "Earmarked Contributions:")):

NEW SECTION. Sec. 14. This act shall take effect January 1, 1990."

On page 1, line 1 of the title, after "reporting;" strike the remainder of the title and insert "amending RCW 42.17.020, 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.070, 42.17.080, 42.17.100, 42.17.105, 42.17.125, and 42.17.135; reenacting and amending RCW 42.17.090; and providing an effective date."

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; Hankins, R. King, Morris, O'Brien, Rector and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives McLean, Ranking Republican Member; and Silver.

Absent: Representative Hankins.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5168 Prime Sponsor, Committee on Governmental Operations: Authorizing the state library commission to move the western library network to private nonprofit status. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Dorn, Doty, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Silver, Ranking Republican Member.

Absent: Representative Brough.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5173 Prime Sponsor, Committee on Governmental Operations: Relating to disclosure of improper governmental action. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 208, Laws of 1982 and RCW 42.40.020 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) 'Auditor' means the office of the state auditor.

(2) 'Employee' means any individual employed or holding office in any department or agency of state government.

(3) (a) 'Improper governmental action' means any action by an employee:

((a)) (i) Which is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and

((b)) (ii) Which is in violation of any state law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

(b) 'Improper governmental action' does not include personnel actions including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, or any action which may be taken under chapter 41.06 or 28B.16 RCW, or other disciplinary action except as provided in RCW 42.40.030.

(4) 'Use of official authority or influence' includes taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, performance evaluation, or any adverse action under chapter 41.06 or 28B.16 RCW, or other disciplinary action.

Sec. 2. Section 3, chapter 208, Laws of 1982 and RCW 42.40.030 are each amended to read as follows:

(1) An employee shall not directly or indirectly use or attempt to use the employee's official authority or influence for the purpose of intimidating, threatening, coercing, commanding, influencing, or attempting to intimidate, threaten, coerce, command, or influence any individual for the purpose of interfering with the right of the individual to disclose to the auditor (or representative thereof) information concerning improper governmental action.

~~(2) ((For the purpose of subsection (1) of this section, 'use of official authority or influence' includes taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, performance evaluation, or any adverse action under chapter 41.06 RCW, or other disciplinary action.~~

~~(3))~~ Nothing in this section authorizes an individual to disclose information otherwise prohibited by law.

Sec. 3. Section 4, chapter 208, Laws of 1982 and RCW 42.40.040 are each amended to read as follows:

(1) Upon receiving specific information that an employee has engaged in improper governmental action, the auditor shall, for a period not to exceed thirty days, conduct such preliminary investigation of the matter as the auditor deems appropriate. In conducting the investigation, the identity of the person providing the information which initiated the investigation shall be kept confidential.

(2) In addition to the authority under subsection (1) of this section, the auditor may, on its own initiative, investigate incidents of improper state governmental action.

(3) (a) If it appears to the auditor, upon completion of the preliminary investigation, that the matter is so unsubstantiated that no further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the person, if known, who provided the information initiating the investigation.

(b) The notification shall be by memorandum containing a summary of the information received, a summary of the results of the preliminary investigation with regard to each allegation of improper governmental action, and any determination made by the auditor under (c) of this subsection.

(c) In any case to which this section applies, the identity of the person who provided the information initiating the investigation shall be kept confidential unless the auditor determines that the information has been provided other than in good faith.

(d) If it appears to the auditor that the matter does not meet the definition of an 'improper governmental action' under RCW 42.40.020(3), or is other than a gross waste of public funds, the auditor may forward a summary of the allegations to the appropriate agency for investigation and require a response by memorandum containing a summary of the investigation with regard to each allegation and any determination of corrective action taken. The auditor will keep the identity of the person who provided the information initiating the investigation confidential. Upon receipt of the results of the investigation from the appropriate agency, the auditor will notify the provider as prescribed under (a), (b), and (c) of this subsection.

(4) If it appears to the auditor after completion of the preliminary investigation that further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the party, if known, who provided the information initiating the investigation and either conduct further investigations or issue a report under subsection (6) of this section.

(5) (a) At any stage of an investigation under this section the auditor may require by subpoena the attendance and testimony of witnesses and the production of documentary or other evidence relating to the investigation at any designated place in the state. The auditor may issue subpoenas, administer oaths, examine witnesses, and receive evidence. In the case of contumacy or failure to obey a subpoena, the superior court for the county in which the person to whom the subpoena is addressed resides or is served may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(b) The auditor may order the taking of depositions at any stage of a proceeding or investigation under this chapter. Depositions shall be taken before an individual designated by the auditor and having the power to administer oaths. Testimony shall be reduced to writing

by or under the direction of the individual taking the deposition and shall be subscribed by the deponent.

(6) (a) If the auditor determines that there is reasonable cause to believe that an employee has engaged in any improper activity, the auditor shall report the nature and details of the activity to:

(i) The employee and the head of the employing agency; and

(ii) If appropriate, the attorney general or such other authority as the auditor determines appropriate.

(b) The auditor has no enforcement power except that in any case in which the auditor submits a report of alleged improper activity to the head of an agency, the attorney general, or any other individual to which a report has been made under this section, the individual shall report to the auditor with respect to any action taken by the individual regarding the activity, the first report being transmitted no later than thirty days after the date of the auditor's report and monthly thereafter until final action is taken. If the auditor determines that appropriate action is not being taken within a reasonable time, the auditor shall report the determination to the governor and to the legislature.

(7) This section does not limit any authority conferred upon the attorney general or any other agency of government to investigate any matter.

Sec. 4. Section 5, chapter 208, Laws of 1982 and RCW 42.40.050 are each amended to read as follows:

(1) Any employee (a) who provides his or her name and specific information to the auditor on any matter which is found to warrant further investigation or other action, or which is provided by the employee in good faith, as determined by the auditor, whether or not further action is warranted and (b) who is subjected to any reprisal or retaliatory action undertaken during the period beginning on the day after the date on which the specific information is ((provided to the auditor and ending on the date which is two years after the auditor's report on the matter:)) received by the auditor alleging improper governmental action, may seek judicial review of the reprisal or retaliatory action in superior court, whether or not there has been an administrative review of the action. In such an action, the reviewing court may award reasonable attorney's fees.

(2) ~~((The auditor shall, by rule, establish a program which provides that, during the two-year period after a report to the auditor under this chapter, the auditor will contact the employee who provided specific information involved on at least a quarterly basis for purposes of determining))~~ The employee who provided specific information shall notify the state auditor in writing if any changes in the employee's work situation exist which are related to the employee's having provided information. If the auditor has reason to believe that such a change in work situation has occurred, the auditor shall investigate and report on the matter in accordance with this chapter.

(3) For the purpose of this section 'reprisal or retaliatory action' means but is not limited to:

(a) Denial of adequate staff to perform duties;

(b) Frequent staff changes;

(c) Frequent and undesirable office changes;

(d) Refusal to assign meaningful work;

(e) Unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations;

(f) Demotion;

(g) Reduction in pay;

(h) Denial of promotion;

(i) Suspension; and

(j) Dismissal.

Sec. 5. Section 7, chapter 208, Laws of 1982 and RCW 42.40.070 are each amended to read as follows:

A written summary of this chapter and procedures for reporting improper governmental actions established by the auditor's office shall be made available by each department or agency of state government to each employee upon entering public employment. Employees shall be notified by each department or agency of state government each year of the procedures and protections under this chapter.

NEW SECTION. Sec. 6. Section 6, chapter 208, Laws of 1982 and RCW 42.40.060 are each repealed.*

On page 1, line 1 of the title, after "action;" strike the remainder of the title and insert "amending RCW 42.40.020, 42.40.030, 42.40.040, 42.40.050, and 42.40.070; and repealing RCW 42.40.060."

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, O'Brien, Rector, Sayan and Silver.

Voting nay: Representative Morris.

Absent: Representative Hankins.

Passed to Committee on Rules for second reading.

March 30, 1989

ESB 5185 Prime Sponsor, Senator Wojahn: Establishing a family day care center as a residential use for zoning purposes. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after the enacting clause strike the remainder of the bill, and insert:

NEW SECTION. Sec. 1. The legislature finds that:

(1) A majority of women with preschool and school age children in Washington state are working outside of the home and are in need of child care services for their children;

(2) The supply of licensed child care facilities in Washington state is insufficient to meet the growing demand for child care services;

(3) The most convenient location of child care facilities for many working families is near the family's home or workplace.

NEW SECTION. Sec. 2. The purpose of this act is to encourage the dispersion of child care facilities throughout cities and counties in Washington state so that child care services are available at convenient locations to working parents.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 4, 5, 6, 7, and 8 of this act:

(1) 'Family day care home' means a person regularly providing care during part of the twenty-four-hour day to six or fewer children in the family abode of the person or persons under whose direct care the children are placed.

(2) 'Mini-day care center' means a person or agency providing care during part of the twenty-four-hour day to twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care the children are placed, or for the care of seven through twelve children in the family abode of such person or persons.

(3) 'Day care center' means a person or agency that provides care for thirteen or more children during part of the twenty-four-hour day.

(4) 'Child care facility' means a family day care home, mini-day care center, and day care center.

NEW SECTION. Sec. 4. A new section is added to chapter 35.63 RCW to read as follows:

Each municipality that does not provide for the siting of family day care homes in zones or areas that are designated for single family or other residential uses, and for the siting of mini-day care centers and day care centers in zones or areas that are designated for any residential or commercial uses, shall conduct a review of the need and demand for child care facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 31, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the department of community development as to why such implementing ordinances were not adopted.

NEW SECTION. Sec. 5. A new section is added to chapter 35A.63 RCW to read as follows:

Each municipality that does not provide for the siting of family day care homes in zones or areas that are designated for single family or other residential uses, and for the siting of mini-day care centers and day care centers in zones or areas that are designated for any residential or commercial uses, shall conduct a review of the need and demand for child care facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 31, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the department of community development as to why such implementing ordinances were not adopted.

NEW SECTION. Sec. 6. A new section is added to chapter 36.70 RCW to read as follows:

Each county that does not provide for the siting of family day care homes in zones that are designated for single family or other residential uses, and for the siting of mini-day care centers and day care centers in zones that are designated for any residential or commercial uses, shall conduct a review of the need and demand for child care facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 30, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the department of community development as to why such implementing ordinances were not adopted.

NEW SECTION. Sec. 7. A new section is added to chapter 35.22 RCW to read as follows:

If a first class city zones pursuant to its inherent charter authority and not pursuant to chapter 35.63 RCW, and does not provide for the siting of family day care homes in zones or areas that are designated for single family or other residential uses, and for the siting of mini-day care centers and day care centers in zones or areas that are designated for any residential or commercial uses, the city shall conduct a review of the need and demand for child care facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 30, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the department of community development as to why such implementing ordinances were not adopted.

NEW SECTION. Sec. 8. A new section is added to chapter 36.32 RCW to read as follows:

If a county operating under home rule charter zones pursuant to its inherent charter authority and not pursuant to chapter 35.63 RCW, nor chapter 36.70 RCW, and that county does not provide for the siting of family day care homes in zones or areas that are designated for single family or other residential uses, and for the siting of mini-day care centers and day care centers in zones or areas that are designated for any residential or commercial uses, the county shall conduct a review of the need and demand for child care facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 30, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the department of community development as to why such implementing ordinances were not adopted.

NEW SECTION. Sec. 9. The department of community development shall:

(1) Report to the appropriate committees of the legislature the results of the local reviews provided for in sections 4 through 8 of this act by December 31, 1990.

(2) In consultation with the department of social and health services, Washington state association of counties, the association of Washington cities, the Washington state family child care association, and the Washington association for the education of young children, develop a model ordinance for the siting of child care facilities. The model ordinance shall be developed by December 31, 1990.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title after "zoning;" strike the remainder of the title, and insert "adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 36.32 RCW; and creating new sections."

Signed by Representatives Haugen, Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representative Cooper, Vice Chair.

Passed to Committee on Rules for second reading.

March 30, 1989

ESSB 5186

Prime Sponsor, Committee on Law & Justice: Changing provisions relating to the commission on judicial conduct. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 268, Laws of 1981 as amended by section 1, chapter 186, Laws of 1987 and RCW 2.64.010 are each amended to read as follows:

(For purposes of this chapter:) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Admonishment' means a written disposition of an advisory nature that cautions a judge or justice not to engage in certain proscribed behavior. An admonishment may include a requirement that the judge or justice follow a specified corrective course of action.

(2) 'Censure' means a written action of the commission that requires a judge or justice to appear personally before the commission, and that finds that conduct of the judge or justice violates a rule of judicial conduct, detrimentally affects the integrity of the judiciary, undermines public confidence in the administration of justice, and may or may not require a recommendation to the supreme court that the judge or justice be suspended or removed. A censure shall include a requirement that the judge or justice follow a specified corrective course of action.

(3) 'Commission' means the commission on judicial conduct provided for in Article IV, section 31 of the state Constitution, which is authorized to recommend to the supreme court, after notice and hearing, the ((censure;)) suspension or removal of a judge or justice for violating a rule of judicial conduct, or the retirement of a judge or justice for disability ((which is permanent, or likely to become permanent, and which seriously interferes with the performance of judicial duties. For purposes of this chapter, the term)),

(4) 'Judge or justice' includes justices of the supreme court, judges of the court of appeals, judges of the superior courts, judges of any court organized under Titles 3 or 35 RCW, judges pro tempore, court commissioners, and magistrates.

(5) 'Removal' means a written recommendation by the commission and a finding by the supreme court that the conduct of a judge or justice is a violation of a rule of judicial conduct and seriously impairs the integrity of the judiciary and substantially undermines the public confidence in the administration of justice to such a degree that the judge or justice should be relieved of all duties of his or her office.

(6) 'Reprimand' means a written action of the commission that requires a judge or justice to appear personally before the commission, and that finds that the conduct of the judge or justice is a minor violation of the code of judicial conduct and does not require censure or a formal recommendation to the supreme court that the judge or justice be suspended or removed. A reprimand shall include a requirement that the judge or justice follow a specified corrective course of action.

(7) 'Retirement' means a written recommendation by the commission and a finding by the supreme court that a judge or justice has a disability which is permanent, or likely to become permanent, and that seriously interferes with the performance of judicial duties.

(8) 'Suspension' means a written recommendation by the commission and a finding by the supreme court that the conduct of a judge or justice is a violation of a rule of judicial conduct and seriously impairs the integrity of the judiciary and substantially undermines the public confidence in the administration of justice to such a degree that the judge or justice should be relieved of the duties of his or her office by the court for a specified period of time, as determined by the court.

This chapter shall apply to any judge or justice, regardless of whether the judge or justice serves full time or part time, and regardless of whether the judge or justice is admitted to practice law in this state.

Sec. 2. Section 3, chapter 268, Laws of 1981 as amended by section 2, chapter 186, Laws of 1987 and RCW 2.64.020 are each amended to read as follows:

The commission shall consist of ((nine)) eleven members. One member shall be a judge selected by and from the court of appeals judges; one member shall be a judge selected by and from the superior court judges; one member shall be a judge selected by and from the district court judges; two members shall be selected by the state bar association and be admitted to the practice of law in this state; and ((four)) six members shall be nonlawyers appointed by the governor and confirmed by the senate. The term of each member of the commission shall be four years.

Sec. 3. Section 6, chapter 268, Laws of 1981 and RCW 2.64.050 are each amended to read as follows:

The commission may employ ((any)) personnel, including ((lawyers)) attorneys, and make any other expenditures necessary for the effective performance of its duties and the exercise of its powers. The commission may hire attorneys or others by personal service contract to conduct initial proceedings regarding a complaint against a judge or justice. Commission employees shall be exempt from the civil service law, chapter 41.06 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 2.64 RCW to read as follows:

The commission is authorized to impose the following disciplinary actions, in increasing order of severity: (a) Admonishment; (b) reprimand; or (c) censure. If the conduct of the judge or justice warrants more severe disciplinary action, the commission may recommend to the supreme court the suspension or removal of the judge or justice.

NEW SECTION. Sec. 5. A new section is added to chapter 2.64 RCW to read as follows:

The commission is authorized to investigate and consider for probative value any conduct that may have occurred prior to, on, or after December 4, 1980, by a person who was, or is

now, a judge or justice when such conduct relates to a complaint filed with the commission against the same judge or justice.

NEW SECTION. Sec. 6. A new section is added to chapter 2.64 RCW to read as follows:

All pleadings, papers, evidence records, and files of the commission, including complaints and the identity of complainants, compiled or obtained during the course of an investigation or initial proceeding involving the discipline or retirement of a judge or justice, are exempt from the public disclosure requirements of chapter 42.17 RCW during such investigation or initial proceeding. Upon notice by the commission that a hearing or hearings will be held to consider discipline or retirement of a judge or justice, the public disclosure requirements of chapter 42.17 RCW shall apply.

NEW SECTION. Sec. 7. A new section is added to chapter 2.64 RCW to read as follows:

The adjudicative proceedings, judicial review, and civil enforcement provisions of chapter 34.05 RCW, the administrative procedure act, do not apply to any investigations, initial proceedings, public hearings, or executive sessions involving the discipline or retirement of a judge or justice.

NEW SECTION. Sec. 8. A new section is added to chapter 2.64 RCW to read as follows:

The commission is subject to the open public meetings act, chapter 42.30 RCW. However, investigations, initial proceedings, public hearings, and executive sessions involving the discipline or retirement of a judge or justice are governed by this chapter and Article IV, section 31 of the state Constitution and are exempt from the provisions of chapter 42.30 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 2.64 RCW to read as follows:

The commission shall provide by rule for confidentiality of its investigations and initial proceedings in accordance with Article IV, section 31 of the state Constitution.

Any person violating a rule on confidentiality is subject to a proceeding for contempt in superior court.

NEW SECTION. Sec. 10. The following acts or parts of act are each repealed:

(1) Section 4, chapter 186, Laws of 1987 and RCW 2.64.091; and

(2) Section 12, chapter 268, Laws of 1981, section 5, chapter 186, Laws of 1987 and RCW 2.64.110.

NEW SECTION. Sec. 11. This act shall take effect upon the effective date of an amendment to Article IV, section 31 of the state Constitution making changes to the commission on judicial conduct. If such amendment is not validly submitted to and approved and ratified by the voters at a general election held in November 1989, this act shall be null and void in its entirety."

On page 1, line 1 of the title, after "conduct," strike the remainder of the title and insert "amending RCW 2.64.010, 2.64.020, and 2.64.050; adding new sections to chapter 2.64 RCW; repealing RCW 2.64.091 and 2.64.110; and providing a contingent effective date."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Hargrove, P. King, Moyer, H. Myers, Patrick, Scott, D. Sommers, Tate and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Inslee.

Absent: Representatives Dellwo, Locke, R. Meyers and Schmidt.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5196 Prime Sponsor, Committee on Agriculture: Regarding emergency drought relief. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: Do pass with the following amendments by Committee on Capital Facilities & Financing and without amendments by Committee on Agriculture & Rural Development:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to provide emergency powers to the department of ecology to enable it to take actions, in a timely and expeditious manner, that are designed to alleviate hardships and reduce burdens on various water users and uses arising from drought conditions. As used in this chapter, 'drought condition' means that the water supply for a geographical area or for a significant portion of a geographical area is below seventy-five percent of normal and the water shortage is likely to create undue hardships for various water uses and users.

NEW SECTION. Sec. 2. (1) Whenever it appears to the department of ecology that a drought condition either exists or is forecast to occur within the state or portions thereof, the department of ecology is authorized to issue orders, pursuant to rules previously adopted, to implement the powers as set forth in sections 3 through 5 of this act. The department shall, immediately upon the issuance of an order under this section, cause said order to be published in newspapers of general circulation in the areas of the state to which the order relates. Prior to

the issuance of an order, the department shall (a) consult with and obtain the views of the federal and state government entities identified in the drought contingency plan periodically revised by the department pursuant to section 3(4) of this act, and (b) obtain the written approval of the governor. Orders issued under this section shall be deemed orders for the purposes of chapter 34.05 RCW.

(2) Any order issued under subsection (1) of this section shall contain a termination date for the order. The termination date shall be not later than one calendar year from the date the order is issued. Although the department may, with the written approval of the governor, change the termination date by amending the order, no such amendment or series of amendments may have the effect of extending its termination to a date which is later than two calendar years after the issuance of the order.

(3) The provisions of subsection (2) of this section do not preclude the issuance of more than one order under subsection (1) of this section for different areas of the state or sequentially for the same area as the need arises for such an order or orders.

NEW SECTION. Sec. 3. Upon the issuance of an order under section 2 of this act, the department of ecology is empowered to:

(1)(a) Authorize emergency withdrawal of public surface and ground waters, including dead storage within reservoirs, on a temporary basis and authorize associated physical works which may be either temporary or permanent. The termination date for the authority to make such an emergency withdrawal may not be later than the termination date of the order issued under section 2 of this act under which the power to authorize the withdrawal is established. The department of ecology may issue such withdrawal authorization when, after investigation and after providing appropriate federal, state, and local governmental bodies an opportunity to comment, the following are found:

(i) The waters proposed for withdrawal are to be used for a beneficial use involving a previously established activity or purpose;

(ii) The previously established activity or purpose was furnished water through rights applicable to the use of a public body of water that cannot be exercised due to the lack of water arising from natural drought conditions; and

(iii) The proposed withdrawal will not reduce flows or levels below essential minimums necessary (A) to assure the maintenance of fisheries requirements, and (B) to protect federal and state interests including, among others, power generation, navigation, and existing water rights;

(b) All withdrawal authorizations issued under this section shall contain provisions that allow for termination of withdrawals, in whole or in part, whenever withdrawals will conflict with flows and levels as provided in (a)(iii) of this subsection. Domestic and irrigation uses of public surface and ground waters shall be given priority in determining 'beneficial uses.' As to water withdrawal and associated works authorized under this subsection, the requirements of chapter 43.21C RCW and public bidding requirements as otherwise provided by law are waived and inapplicable. All state and local agencies with authority to issue permits or other authorizations for such works shall, to the extent possible, expedite the processing of the permits or authorizations in keeping with the emergency nature of the requests and shall provide a decision to the applicant within fifteen calendar days of the date of application. All state departments or other agencies having jurisdiction over state or other public lands, if such lands are necessary to effectuate the withdrawal authorizations issued under this subsection, shall provide short-term easements or other appropriate property interest upon the payment of the fair market value. This mandate shall not apply to any lands of the state that are reserved for a special purpose or use that cannot properly be carried out if the property interest were conveyed;

(2) Approve a temporary change in purpose, place of use, or point of diversion, consistent with existing state policy allowing transfer or lease of waters between willing parties, as provided for in RCW 90.03.380, 90.03.390, and 90.44.100. However, compliance with any requirements of (a) notice of newspaper publication of these sections or (b) the state environmental policy act, chapter 43.21C RCW, is not required when such changes are necessary to respond to drought conditions as determined by the department of ecology. An approval of a temporary change of a water right as authorized under this subsection is not admissible as evidence in either supporting or contesting the validity of water claims in STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY V. ACQUAVELLA, Yakima county superior court number 77-2-01484-5 or any similar proceeding where the existence of a water right is at issue.

(3) Employ additional persons for specified terms of time, consistent with the term of a drought condition, as are necessary to ensure the successful performance of the activities associated with implementing the emergency drought program of this chapter.

(4) Revise the drought contingency plan previously developed by the department; and

(5) Acquire needed emergency drought-related equipment.

NEW SECTION. Sec. 4. (1) The department of ecology is authorized to make loans, grants, or combinations of loans and grants from emergency agricultural water supply funds when necessary to provide water to alleviate emergency drought conditions in order to ensure the survival of irrigated crops and the state's fisheries. For the purposes of this section, 'emergency

agricultural water supply funds' means funds appropriated from the state emergency water projects revolving account created under RCW 43.83B.360. The department of ecology may make the loans, grants, or combinations of loans and grants as matching funds in any case where federal, local, or other funds have been made available on a matching basis. The department may make a loan of up to ninety percent of the total eligible project cost or combination loan and grant up to one hundred percent of the total single project cost. The grant portion for any single project shall not exceed twenty percent of the total project cost except that, for activities forecast to have fifty percent or less of normal seasonal water supply, the grant portion for any single project or entity shall not exceed forty percent of the total project cost. No single entity shall receive more than ten percent of the total emergency agricultural water supply funds available for drought relief. These funds shall not be used for nonagricultural drought relief purposes unless there are no other capital budget funds available for these purposes. In any biennium the total expenditures of emergency agricultural water supply funds for nonagricultural drought relief purposes may not exceed ten percent of the total of such funds available during that biennium.

(2)(a) Except as provided in (b) of this subsection, after June 30, 1989, emergency agricultural water supply funds, including the repayment of loans and any accrued interest, shall not be used for any purpose except during drought conditions as determined under sections 1 and 2 of this act.

(b) Emergency agricultural water supply funds may be used on a one-time basis for the development of procedures to be used by state governmental entities to implement the state's drought contingency plan.

NEW SECTION. Sec. 5. The department shall adopt such rules as are necessary to ensure the successful implementation of this chapter.

NEW SECTION. Sec. 6. Nothing in this chapter shall:

(1) Authorize any interference whatsoever with existing water rights;

(2) Authorize the establishment of rights to withdrawal of waters of a permanent nature or of rights with any priority;

(3) Authorize the establishment of a water right under RCW 90.03.250 or 90.44.060;

(4) Preclude any person from filing an application pursuant to RCW 90.03.250 or 90.44.060.

Sec. 7. Section 3, chapter 295, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 46, Laws of 1988 and RCW 43.83B.210 are each amended to read as follows:

The department of ecology is authorized to make loans or grants or combinations thereof((+)) from funds under RCW 43.83B.010 through 43.83B.110 to eligible public bodies as defined in RCW 43.83B.050 for rehabilitation or betterment of agricultural water supply facilities, and/or construction of agricultural water supply facilities required to develop new irrigated lands((-or (2) from emergency agricultural water supply funds under RCW 43.83B.300 when required to provide water to alleviate emergency drought conditions to assure the survival of irrigated crops and the state's fisheries)). The department of ecology may make such loans or grants or combinations thereof as matching funds in any case where federal, local, or other funds have been made available on a matching basis. A loan or combination loan and grant shall not exceed fifty percent of the approved eligible project cost((s)) for any single proposed project((: PROVIDED, That for purposes authorized by RCW 43.83B.300, 43.83B.310, and 43.83B.385 the department of ecology may make a loan up to ninety percent of the total eligible project cost or combination loan and grant up to one hundred percent of the total single project cost and the grant portion for any single project shall not exceed twenty percent of the total project cost except that, for activities forecast to have fifty percent or less of normal seasonal water supplies, the grant portion for any single project or entity shall not exceed forty percent of the total project cost. No single entity shall receive more than ten percent of the total funds available for drought relief. These funds shall not be used for nonagricultural drought relief purposes unless there are no other capital budget funds available for these purposes. The total expenditures for nonagricultural drought relief purposes shall not exceed ten percent of the total funds available for drought relief purposes on March 15, 1988)). Any grant or grant portion of a combination loan and grant from funds under RCW 43.83B.010 through 43.83B.110 for any single proposed project shall not exceed fifteen percent of the eligible project costs: PROVIDED, That the fifteen percent limitation established herein shall not be applicable to project commitments which the director or deputy director of the state department of ecology made to the bureau of reclamation of the United States department of interior for providing state funding at thirty-five percent of project costs during the period between August 1, 1974, and June 30, 1975.

~~((The department of social and health services is authorized to make grants of up to forty percent of the cost of construction of any eligible project necessitated by the 1977 drought conditions. Such grants may be made only to public bodies as defined in RCW 43.83B.050 for municipal and industrial water supply and distribution facilities:))~~

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.305;

(2) Section 3, chapter 1, Laws of 1977 ex. sess., section 2, chapter 343, Laws of 1987, section 3, chapter 46, Laws of 1988 and RCW 43.83B.310;

(3) Section 4, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.315;

(4) Section 5, chapter 1, Laws of 1977 ex. sess., section 3, chapter 343, Laws of 1987, section 11, chapter 523, Laws of 1987 and RCW 43.83B.320;

(5) Section 6, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.325;

(6) Section 7, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.330;

(7) Section 9, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.340;

(8) Section 8, chapter 343, Laws of 1987, section 4, chapter 46, Laws of 1988 and RCW 43.83B.342; and

(9) Section 9, chapter 343, Laws of 1987, section 5, chapter 46, Laws of 1988 and RCW 43.83B.344.

NEW SECTION. Sec. 9. Sections 1 through 6 of this act are each added to chapter 43.83B RCW.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "relief," strike the remainder of the title and insert "amending RCW 43.83B.210; adding new sections to chapter 43.83B RCW; repealing RCW 43.83B.305, 43.83B.310, 43.83B.315, 43.83B.320, 43.83B.325, 43.83B.330, 43.83B.340, 43.83B.342, and 43.83B.344; and declaring an emergency."

Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Beck, Betzoff, Bowman, Braddock, Bristow, Fraser, Jacobsen, Peery, Wang and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5197 Prime Sponsor, Committee on Law & Justice: Broadening the definition of executive state officer. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, O'Brien, Rector and Silver.

Voting nay: Representatives Morris and Sayan.

Absent: Representative Hankins.

Passed to Committee on Rules for second reading.

March 31, 1989

2SSB 5203 Prime Sponsor, Committee on Ways & Means: Establishing the Washington state self-employment loan program. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) The existence of poverty within the state is of substantial public concern, posing a serious threat to the safety, health, and welfare of the state's residents, causing significant public expenditures, and jeopardizing sources of public revenue;

(2) Self-employment is a realistic means by which some low-income persons can escape poverty and the cycle of dependence that traditional welfare programs may perpetuate; and

(3) Insufficient opportunity currently exists for those in poverty to become self-employed, due primarily to their unique training and financial needs.

Therefore, the legislature declares that there is substantial public purpose in providing training and capital to promote the self-employment of low-income persons in Washington. To accomplish this purpose, the legislature creates the Washington state self-employment loan program.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Committee' means the Washington state self-employment loan program committee.

(2) 'Department' means the department of community development.

(3) 'Director' means the director of the department of community development.

(4) 'Local development organization' means a nonprofit organization that operates within an area, demonstrates a commitment to long-term economic development efforts, and makes

a demonstrable effort to assist in the employment of unemployed and underemployed residents in the area.

(5) 'Low-income individual' means any person:

(a) Whose personal income is no greater than fifty percent of the median personal income for the county where the person resides or who is a member of a family whose income is no greater than fifty percent of the median family income for the county where the person resides. In establishing income eligibility under this subsection, the department shall refer to the income limits for very low-income families adjusted by family size established by the federal department of housing and urban development pursuant to the housing and community development act, P.L. 100-242; or

(b) Eligible to receive public assistance as defined in RCW 74.04.005 or is eligible to receive food stamps.

NEW SECTION. Sec. 3. The Washington state self-employment loan program committee is established within the department of community development.

(1) The committee shall have seven members. The director shall appoint the members, subject to the following requirements:

(a) One member shall be experienced in community-based economic development and have skills in providing community services through a local development organization;

(b) Two members shall be from philanthropic entities with a history of service or funding to community-based economic development organizations;

(c) One member shall be from a financial institution and be experienced in small business finance and in providing technical assistance to new businesses;

(d) One member shall be from an educational institution with a history of providing education and training for new small business owners; and

(e) Two members shall be small business owners. One of the small businesses shall be a minority or woman-owned business.

In making these appointments, the director shall give careful consideration to ensure that the various geographic regions of the state are represented and that members will be regularly available for meetings and will have a commitment to working with local government entities and local development organizations.

(2) Each member appointed by the director shall serve a term of two years. A person appointed to fill a vacancy of a member shall be appointed in a like manner and shall serve for only the unexpired term. A member is eligible for reappointment. A member may be removed by the director only for cause.

(3) The director shall designate a member of the board as its chairperson. The committee may elect other officers it deems appropriate. Four members of the committee constitute a quorum and four affirmative votes are necessary for the transaction of business or the exercise of any power or function of the committee.

(4) The members of the committee shall serve without compensation, but are entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties in accordance with RCW 43.03.050 and 43.03.060.

(5) Members shall not be liable to the state, to the fund, or to any other person as a result of their activities, whether ministerial or discretionary, as members except for willful dishonesty or intentional violations of the law. The department may purchase liability insurance for members and may indemnify these persons against the claims of others.

NEW SECTION. Sec. 4. Subject to the restrictions contained in this chapter, the committee is authorized to solicit and approve applications of local development organizations for funds which the local organization will use within a self-employment program as a revolving loan fund to finance the small businesses of low-income individuals within their jurisdiction.

NEW SECTION. Sec. 5. The committee shall approve those applications for funds that meet the minimum standards set forth in this chapter and that will best serve the intent of this chapter to provide self-employment for low-income persons in Washington state.

(1) The committee shall not approve any application for more than sixty thousand dollars.

(2) In the first year of each biennium, the committee may approve distribution of up to one-half of the fund appropriated to carry out the purposes of this chapter, with the remaining funds distributed in the second year.

(3) The committee may approve only one application from a single organization for each biennium.

NEW SECTION. Sec. 6. An application to the committee shall include, but is not limited to:

(1) A detailed description of the need for a self-employment program in the area served by the applicant organization, including economic conditions and other characteristics of the community which the program would address;

(2) A detailed description of the applicant organization and its capacity to administer a self-employment program that includes a revolving loan fund. Relevant information may include the organization's standing in the community, its experience with low-income persons and in business training and development, its fiscal record, its relationship with other community organizations and governmental entities, and its staff resources;

(3) A detailed description of the self-employment program into which the revolving loan fund will be incorporated, including, but not limited to, a description of:

(a) The criteria and procedure by which program participants will be selected, explaining any particular groups that will be targeted and why;

(b) The personal and business training that will be provided program participants, including curriculum, schedule, training providers, and how this training will meet the unique needs of the community's low-income individuals wishing to become self-employed;

(c) The loan process, including the criteria and procedure by which applicants will be screened, general terms of the loans, and the means by which the organization will facilitate timely repayment; and

(d) Any oversight, social support, and follow-up assistance to be provided program participants who have been trained or provided loans.

(4) Any other information the committee deems necessary to fully evaluate an organization's ability to carry out the purpose of this chapter.

NEW SECTION. Sec. 7. Any local development organization receiving funds under this chapter shall:

(1) Use the funds only in a revolving loan fund to finance the businesses of low-income individuals participating in the organization's self-employment program;

(2) Provide no loan out of these funds of more than five thousand dollars;

(3) Charge a reasonable rate of interest on loans provided out of these funds, using interest payments received for program administrative costs;

(4) Annually submit to the committee a detailed report on the progress and status of the self-employment program and loan fund including, but not limited to:

(a) A description and explanation of any changes in the program from the original application;

(b) The number and characteristics of participants in the program, including their training status;

(c) The current employment status of those who have completed training;

(d) The number and size of loans provided, the terms of the loans, and their repayment status;

(e) A self-evaluation detailing the strengths and weaknesses of the program and what the local development organization will do to improve the program in the following year;

(f) Any other information the committee deems necessary to:

(i) Evaluate the effectiveness of the program in carrying out the intent of this chapter; and

(ii) Determine the program characteristics that have contributed to or detracted from such effectiveness.

NEW SECTION. Sec. 8. If the committee finds that an organization to whom funds were distributed under this chapter is unable to meet the intent of the chapter, the committee may require that such funds be returned to the department for redistribution by the committee.

NEW SECTION. Sec. 9. The department shall:

(1) Provide adequate and appropriate staff, technical assistance, and other support to the committee;

(2) Maintain a record of committee proceedings;

(3) Work with local development organizations to promote applications to the committee for funds; and

(4) Adopt rules appropriate for the committee to carry out its authority under this chapter.

NEW SECTION. Sec. 10. Community colleges, the office of the superintendent of public instruction, the employment security department, the department of trade and economic development, and the department of social and health services, when requested by local development organizations, shall provide appropriate support, cooperation, and training resources in the design and implementation of self-employment programs under this chapter.

NEW SECTION. Sec. 11. The committee shall biennially report to the appropriate standing committees of the legislature on the progress and status of the self-employment loan program. The report shall include sufficient data to evaluate program effectiveness, including, but not limited to, a compilation and summary of the annual reports submitted by local organizations pursuant to section 7(4) of this act.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. Sections 1 through 11 of this act shall constitute a new chapter in Title 43 RCW."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "and adding a new chapter to Title 43 RCW."

Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; Kremen, Moyer, Rasmussen, Raiter, Rector, Schoon, Tate, Walk and Youngsman.

Absent: Representatives G. Fisher and Kremen.

Referred to Committee on Appropriations.

March 31, 1989

ESB 5204

Prime Sponsor, Senator Anderson: Permitting the establishment of business and industrial development corporations. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. INTENT. The legislature finds that the vitality of the state economy is dependent on the ability of existing, growing, and new firms in the state to generate enough quality employment opportunities for the state's citizens. This task requires the availability of needed capital at the appropriate stage of development for the new firms and growing firms that are the major source of innovations and new jobs in the state. The state has a critical interest in increasing employment opportunities, retaining existing employment, assisting new and growing enterprises, and promoting an environment in which entrepreneurship can flourish. The limited availability of capital to viable firms that do not meet current commercial bank or venture capital criteria for loans or equity investments restricts the state's efforts to pursue these goals. Without access to appropriate and adequate financing at each stage of an enterprise's development, talented entrepreneurs and promising firms are unable to remain competitive or to gain access to the new markets essential for their long-term growth.

The legislature further finds that the availability of capital to finance the expansion of enterprises is particularly crucial for the creation of new employment opportunities. The state has an interest in the accessibility in the state's credit markets of long-term financing and investment involving greater risk than bank financing but promising lower return than venture capital investment. To ensure the availability of capital to permit the expansion of new and growing enterprises in Washington state, the legislature authorizes the creation of business and investment development corporations, a new form of regulated financing entity, provides for technical assistance to ensure their soundness, and authorizes incentives for investments in business and investment development corporations which provide financing in economically distressed areas of the state.

NEW SECTION, Sec. 2. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) 'Corporation' means a Washington business and industrial development corporation created under this chapter.

(2) 'Entity' means an individual, proprietorship, joint venture, partnership, trust, business trust, syndicate, association, joint stock company, corporation, cooperative, government, agency of a government, or any other organization. If used with respect to acquiring control of or controlling a specified entity, entity includes a combination of two or more persons acting in concert.

(3) 'Financial institution' means any banking corporation or trust company, national banking association, savings and loan association, insurance company or related corporation, partnership, foundation, or other institution engaged primarily in lending or investing funds.

(4) 'Board of directors' means the board of directors of the corporation created under this chapter.

(5) 'Council' means the business and industrial development corporation certification council.

(6) 'Loan limit' means the maximum amount permitted to be outstanding at one time on loans made by such member to the corporation, as determined under the provisions of this chapter.

(7) 'Business' means an individual, proprietorship, joint venture, partnership, trust, business trust, syndicate, association, joint stock company, cooperative, corporation, or any other organization operating in this state, and paying more than fifty percent of its contributions or payments for the purposes of unemployment insurance to this state.

(8) 'Associate' means, if used with respect to a corporation:

(a) A controlling entity, director, officer, agent, or advisor of that corporation;

(b) A director of, officer of, or partner in an entity referred to in (a) of this subsection;

(c) An entity who controls, is controlled by, or is under common control with an entity referred to in (a) of this subsection directly or indirectly through one or more intermediaries;

(d) Any close relative of any person referred to in (a) of this subsection;

(e) A director or officer of an entity referred to in (a) through (d) of this subsection;

(f) An entity in which an entity referred to in (a) through (d) of this subsection, or any combination of those entities acting in concert, owns or controls, directly or indirectly, a twenty percent or greater equity interest.

For the purposes of (f) of this subsection, an entity who is in a relationship referred to in this subsection within six months before or after a corporation provides financing assistance shall

be considered to be in that relationship as of the date that corporation provides that financing assistance.

If a corporation, in order to protect its interests, designates an entity to serve as a director of, officer of, or in any capacity in the management of a business to which that corporation provides financing assistance, that entity shall not, on that account, be considered to have a relationship with that business. This exception does not apply if the entity has any other direct or indirect financial interest in the business or if the entity, at any time before the corporation provides the financing assistance, served as a director of, officer of, or in any other capacity in the management of the business for a period of thirty days or more.

(9) 'Close relative' means a parent, child, sibling, spouse, father-in-law, mother-in-law, son-in-law, brother-in-law, daughter-in-law, or sister-in-law.

NEW SECTION. Sec. 3. (1) Seven or more persons, a majority of whom shall be residents of this state, who may desire to create a business and industrial development corporation under the provisions of this chapter, for the purpose of promoting, developing, and advancing the prosperity and economic welfare of the state and, to that end, to exercise the powers and privileges provided under this chapter, may be incorporated by filing in the office of the secretary of state, as hereinafter provided, articles of incorporation. The articles of incorporation shall contain:

(a) The name of the corporation, which shall include the words 'Business and Industrial Development Corporation of Washington';

(b) The location of the principal office of the corporation, but such corporation may have offices in such other places within the state as may be fixed by the board of directors;

(c) The purposes for which the corporation is founded, which shall be to provide financing and management assistance to businesses operating primarily in Washington state to increase job opportunities for Washington citizens and the prosperity of the state;

(d) The names and post office addresses of the members of the first board of directors, who, unless otherwise provided by the articles of incorporation or the bylaws, shall hold office for the first year of existence of the corporation or until their successors are elected and have qualified;

(e) Any provision which the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation and any provision creating, dividing, limiting, and regulating the powers of the corporation, the directors, stockholders or any class of the stockholders, including, but not limited to a list of the officers, and provisions governing the issuance of stock certificates to replace lost or destroyed certificates; and

(f) The amount of authorized capital stock and the number of shares into which it is divided, the par value of each share and the amount of capital with which it will commence business and, if there is more than one class of stock, a description of the different classes; the names and post office addresses of the subscribers of stock and the number of shares subscribed by each. The aggregate of the subscription shall be the minimum amount of capital with which the corporation shall commence business which shall not be less than fifty thousand dollars. The articles of incorporation may also contain any provision consistent with the laws of this state for the regulation of the affairs of the corporation.

(g) The articles of incorporation shall be in writing, subscribed by not less than five natural persons competent to contract and acknowledged by each of the subscribers before an officer authorized to take acknowledgments and filed in the office of the secretary of state for approval. A duplicate copy so subscribed and acknowledged may also be filed.

(3) The articles of incorporation shall recite that the corporation is organized under the provisions of this chapter.

NEW SECTION. Sec. 4. (1) There is created the business and industrial development corporation certification council. The council shall consist of five members, which shall include the supervisor of banking, who shall act as chair, the director of the department of trade and economic development or a designee, the director of the department of community development or a designee, and two members appointed by the governor for four-year terms and serving at the pleasure of the governor, one of which shall have a background in commercial and industrial banking and one of which shall have a background in commercial and industrial management. Decisions by the council shall require the assent of four of five members of the council, and shall require the assent of the supervisor of banking.

(2) The secretary of state shall not approve articles of incorporation for a corporation organized under this chapter until the council has certified the corporation as eligible to operate as a business and industrial development corporation under this chapter.

(3) A corporation shall be certified by the council as eligible to operate under this chapter upon meeting the following conditions:

(a) Payment of a five thousand dollar certification fee to the supervisor of banking;

(b) Submittal of a business plan which includes at least three years of detailed financial projections and other relevant information;

(c) Provision of information about the character and competence of each director and officer of the corporation; and

(d) A finding by the council that the corporation will be run competently, has a net worth and lendable funds sufficient to provide financing assistance, and that the directors and officers of the corporation have agreed to comply with the terms of this chapter. The council shall require a minimum net worth of two million dollars unless the council finds that special circumstances render lesser amounts adequate for the corporation to meet the intent of this chapter and operate according to its business plan.

(4) When the articles of incorporation have been filed in the office of the secretary of state and approved by the secretary and all taxes, fees, and charges have been paid, as required by law, the subscribers, their successors and assigns shall constitute a corporation, and said corporation shall then be authorized to commence business, and stock thereof to the extent herein or hereafter duly authorized may from time to time be issued.

(5) An entity transacting business in this state shall not use a name or title which indicates that the entity is a business and industrial development corporation including, but not limited to, the use of the term 'BIDCO,' or otherwise represent that the entity is a business and industrial development corporation until such time as the entity has been certified as a business and industrial development corporation by the council.

NEW SECTION, Sec. 5. The director of the department of trade and economic development and the director of the department of community development are authorized to provide technical assistance and advice to entities forming corporations under this chapter. The director of the department of trade and economic development is authorized to enter into contracts to carry out the purposes of this section. The director of the department of trade and economic development may contract with the department of community development to undertake a portion of the activities necessary to carry out the purposes of this section.

NEW SECTION, Sec. 6. (1) A corporation shall transact its business in a safe and sound manner and shall maintain itself in a safe and sound condition. The supervisor of banking shall revoke the certification of a corporation if the supervisor finds that the corporation has failed to operate or maintain itself in a safe and sound manner, and the corporation may not transact business as a business and industrial development corporation until such time as the supervisor of banking recertifies the corporation consistent with section 4 of this act. The secretary of state shall remove the incorporation records of a corporation with its certification revoked from the active corporation files until such time as the supervisor of banking has recertified the corporation.

(2) In determining whether a corporation is transacting business in a safe and sound manner or has committed an unsafe or unsound act, the supervisor of banking shall not consider the risk of a provision of financing assistance to a business firm, unless the supervisor determines that the risk is so great compared with the realistically expected rate of return as to demonstrate gross mismanagement.

(3) Subsection (2) of this section does not limit the authority of the supervisor of banking to:

(a) Determine that a corporation's financing assistance to a single business or group of affiliated firms is in violation of subsection (1) of this section if the amount of that financing assistance is unduly large in relation to the total assets on the total shareholders' equity of the corporation;

(b) Require that a corporation maintain a reserve in the amount of anticipated losses; or

(c) Require that a corporation have a written financing assistance policy, approved by its board of directors, including credit evaluation and other matters. The supervisor of banking shall not require that a corporation adopt a financing assistance policy that contains standards which prevent the corporation from exercising flexibility in meeting the capital needs of the individual firms.

NEW SECTION, Sec. 7. (1) The corporation shall be examined at least once every eighteen months by the supervisor of banking and shall make quarterly reports of its condition to the supervisor of banking and more frequently upon call of the supervisor of banking, who in turn shall make copies of such reports available to the insurance commissioner and the governor. The corporation shall also furnish such other information as may from time to time be required by the supervisor of banking and secretary of state. The corporation shall pay the actual cost of the examinations. The supervisor of banking shall exercise the same power and authority over corporations organized under this chapter as the supervisor of banking exercises over banks and trust companies under the provisions of Title 30 RCW, where the provisions of Title 30 RCW are not in conflict with this chapter. In adopting rules to govern examinations and reports of corporations operating under this chapter, the supervisor of banking shall consult with the director of trade and economic development and the director of community development or their designee. In regulating corporations under this chapter, the supervisor of banking shall not consider the risk of a provision of financing assistance to a business unless the supervisor of banking determines that the risk is so great compared with the realistically expected return as to constitute gross mismanagement.

(2) The supervisor of banking shall publish annually and provide to the house of representatives trade and economic development committee, house of representatives appropriations committee, senate economic development and labor committee, and senate ways and means committee, information on the impact of this chapter in promoting economic development in

Washington. At the minimum, the information shall include aggregate statistics on each of the following:

- (a) The number and locations of corporations operating under this chapter;
- (b) The number of instances and dollar amount of financing and management assistance given by corporations operating under this chapter to:
 - (i) All individual businesses assisted;
 - (ii) Types of businesses classified using the standard industrial classification manual;
 - (iii) Minority and women-owned businesses; and
 - (iv) Businesses located in areas of high unemployment;
- (c) The number of jobs created or retained by:
 - (i) All individual businesses assisted;
 - (ii) Types of businesses classified using the standard industrial classification manual;
 - (iii) Minority and women-owned businesses; and
 - (iv) Businesses located in areas of high unemployment; and
- (d) The percentage of each business's total contributions or payments for unemployment insurance made to the state of Washington.

NEW SECTION. Sec. 8. The business of a corporation organized under this chapter is to provide financing and management assistance to businesses operating primarily in Washington state. In furtherance of its business and in addition to the powers now or hereafter conferred on business corporations by the provisions of Title 23A RCW, each corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

- (1) To elect, appoint, and employ officers, agents, and employees;
- (2) To make contracts and incur liabilities for any of the purposes of the corporation;
- (3) To borrow for any of the purposes of the corporation; to issue therefor its bonds, debentures, notes, or other evidence of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust, or other lien on its property, franchises, rights and privileges of every kind and nature or any part thereof or interest therein, without securing stockholder or member approval;
- (4) To make loans to any person, firm, corporation, joint-stock company, association or trust, and to establish and regulate the terms and conditions with respect to any such loans and connected interest and service charges;
- (5) To purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease, or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, if the real or personal property is for the corporation's use in operating its business, or if real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations;
- (6) To determine the form and the terms and conditions for financing assistance provided by the corporation to a business including, but not limited to, forms such as loans, purchase of debt instruments, straight equity investments, such as purchase of common stock or preferred stock, debt with equity features such as warrants to purchase stock, convertible debentures or receipt of a percent of net income or sales, royalty based financing, guaranteeing of debt, or leasing of property. A corporation may purchase securities of a business either directly or indirectly through an underwriter. A corporation may participate in the program of the small business administration pursuant to section 7(a) of the small business act, 15 U.S.C. Sec. 636(a), or any other government program for which the corporation is eligible and which has as its function the provision or facilitation of financing or management assistance to businesses. If a corporation participates in a program referred to in this section, the corporation shall comply with the requirements of that program. Financing assistance provided by a corporation to a business shall be for the business purposes of that business;
- (7) To provide management assistance to a business which may encompass both management or technical advice and management or technical services. Management assistance provided by a corporation to a business shall be for the business purposes of that business;
- (8) To mortgage, pledge, or otherwise encumber any property, right or things of value, acquired pursuant to the powers contained in subsections (6) or (7) of this section, as security for the payment of any part of the purchase price thereof;
- (9) To cooperate with and avail itself of the facilities of the United States department of commerce, the department of trade and economic development, the department of community development, and any other similar state or federal governmental agencies; and to cooperate with and assist, and otherwise encourage organizations in the various communities of the state in the promotion, assistance and development of the business prosperity and economic welfare of such communities or of this state or of any part thereof;
- (10) To make donations for charitable, educational, research, or similar purposes;
- (11) To do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

NEW SECTION. Sec. 9. Notwithstanding any rule at common law or any provision of any general or special law or any provision in their respective charters, agreements of association, articles of organization or trust indentures:

(1) Any person including all domestic corporations organized for the purpose of carrying on business within this state and further including without implied limitation public utility companies and insurance companies, and foreign corporations licensed to do business within this state, and all financial institutions as defined herein, and all trustees, are hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of any bonds, securities, or other evidences of indebtedness created by, or the shares of the capital stock of, the corporation, and, while owners of said stock, to exercise all the rights, powers, and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the state except as otherwise provided in this chapter.

(2) The amount of capital stock of the corporation which any member is authorized to acquire pursuant to the authority granted herein is in addition to the amount of capital stock in corporations which such member may otherwise be authorized to acquire.

NEW SECTION, Sec. 10. (1) The stockholders shall have the following powers:

(a) To determine the number of and elect directors as provided in RCW 31.24.090;

(b) To make, amend, and repeal bylaws;

(c) To amend this charter as provided in RCW 31.24.080;

(d) To dissolve the corporation as provided in RCW 31.24.150;

(e) To do all things necessary or desirable to secure aid, assistance, loans, and other financing from any financial institutions, and from any agency established under the small business investment act of 1958, 15 U.S.C. Sec. 661, or other similar federal laws now or hereafter enacted;

(f) To exercise such other of the powers of the corporation consistent with this chapter as may be conferred on the stockholders by the bylaws.

(2) As to all matters requiring action by the stockholders and the members of the corporation, said stockholders shall vote separately thereon by classes, and, except as otherwise herein provided, such matters shall require the affirmative vote of a majority of the votes to which the stockholders present or represented at the meeting shall be entitled and the affirmative vote of a majority of the votes to which the members present or represented at the meeting shall be entitled.

(3) Stockholders shall have one vote, in person or by proxy, for each share of capital stock held.

NEW SECTION, Sec. 11. (1) The articles of incorporation may be amended by the votes of the stockholders and the members of the corporation, voting separately by classes. Such amendments shall require approval by the affirmative vote of two-thirds of the votes to which the stockholders shall be entitled. No amendment of the articles of incorporation that is inconsistent with the general purposes expressed herein, authorizes any additional class of capital stock to be issued, eliminates or curtails the right of the supervisor of banking to examine the corporation, or eliminates or curtails the obligation of the corporation to make reports as provided in RCW 31.24.120, shall be made.

(2) Within thirty days after any meeting at which an amendment of the articles of incorporation has been adopted, articles of amendment signed and sworn to by the president, treasurer, and a majority of the directors, setting forth such amendment and due adoption thereof, shall be submitted to the secretary of state. The secretary of state shall examine the amendments and if they conform to the requirements of this chapter, shall so certify and endorse his or her approval thereon. Thereupon, the articles of amendment shall be filed in the office of the secretary of state. No amendment shall take effect until articles of amendment shall have been filed as required by this section.

NEW SECTION, Sec. 12. The business and affairs of the corporation shall be managed and conducted by a board of directors, a president, a vice-president, a secretary, a treasurer, and such other officers and such agents as the corporation authorizes in its bylaws. The board of directors shall consist of such number, not less than seven nor more than twenty-one, as shall be determined in the first instance by the incorporators and thereafter annually by the stockholders of the corporation. The board of directors may exercise all the powers of the corporation except such as are conferred by law or by the bylaws of the corporation upon the stockholders or members and shall choose and appoint all the agents and officers of the corporation and fill all vacancies except vacancies in the office of director which shall be filled as provided in this section.

The board of directors shall be elected in the first instance by the incorporators and thereafter at the annual meeting, the day and month of which shall be established by the bylaws of the corporations, or, if no annual meeting shall be held in the year of incorporation, then within ninety days after the approval of the articles of incorporation at a special meeting as provided in this chapter. The directors shall hold office until the next annual meeting of the corporation or special meeting held in lieu of the annual meeting after the election and until their successors are elected and qualified unless sooner removed in accordance with the provisions of the bylaws. Any vacancy in the office of a director shall be filled by the directors.

Directors and officers shall not be responsible for losses unless the same shall have been occasioned by the willful misconduct of such directors and officers.

NEW SECTION. Sec. 13. The first meeting of the corporation shall be called by a notice signed by three or more of the incorporators, stating the time, place, and purpose of the meeting. A copy of the notice shall be mailed, or delivered, to each incorporator at least five days before the day appointed for the meeting. Said first meeting may be held without such notice upon agreement in writing to that effect signed by all the incorporators. There shall be recorded in the minutes of the meeting a copy of said notice or of such unanimous agreement of the incorporators.

At such first meeting, the incorporators shall organize, choose a temporary clerk by ballot, adopt bylaws, elect directors by ballot, and take such other action within the powers of the corporation as the incorporators may see fit. The temporary clerk shall be sworn and shall make and attest a record of the proceedings. Five of the incorporators shall be a quorum for the transaction of business.

NEW SECTION. Sec. 14. Unless otherwise provided in the articles of incorporation, the duration of the corporation is perpetual, subject, however, to the right of the stockholders and the members to dissolve the corporation prior to the expiration of said period as provided in RCW 31.24.150.

NEW SECTION. Sec. 15. The corporation may dissolve itself as provided by Title 23A RCW, insofar as Title 23A RCW is not in conflict with the provisions of this chapter upon the affirmative vote of two-thirds of the votes to which the stockholders are entitled. Notice of the dissolution must be provided to the supervisor of banking before the dissolution takes effect. Upon any dissolution of the corporation, none of the corporation's assets shall be distributed to the stockholders until all sums due the members of the corporation as creditors thereof have been paid in full.

NEW SECTION. Sec. 16. A new section is added to chapter 82.04 RCW to read as follows: In computing tax for each of the fiscal years beginning July 1, 1990, and ending June 30, 1993, there may be deducted from the measure of tax in each such year the following percentages of the amount invested that year in business and industrial development corporations organized under this act with at least one-half of the corporation's loans and investments made to businesses located in distressed areas as defined in RCW 82.60.020(3):

FISCAL YEAR	AMOUNT INVESTED
1990	25%
1991	20%
1992	15%
1993	0%

NEW SECTION. Sec. 17. A new section is added to chapter 82.16 RCW to read as follows: In computing tax for each of the fiscal years beginning July 1, 1990, and ending June 30, 1993, there may be deducted from gross income in each such year the following percentages of the amount invested that year in business and industrial development corporations organized under this act which have at least one-half of the corporation's loans and investments made to businesses located in distressed areas as defined in RCW 82.60.020(3):

FISCAL YEAR	AMOUNT INVESTED
1990	25%
1991	20%
1992	15%
1993	0%

NEW SECTION. Sec. 18. A new section is added to chapter 48.14 RCW to read as follows: In computing tax for each of the fiscal years beginning July 1, 1990, and ending June 30, 1993, there may be deducted from the measure of tax in each such year the following percentages of the amount invested that year in business and industrial development corporations organized under this act with at least one-half of the corporation's loans and investments made to businesses located in distressed areas as defined in RCW 82.60.020(3):

FISCAL YEAR	AMOUNT INVESTED
1990	25%
1991	20%
1992	15%
1993	0%

NEW SECTION. Sec. 19. Investors that take advantage of the tax credits allowed under sections 16, 17, and 18 of this act and withdraw any funds invested in a corporation governed by this act within the first three years of their investment, shall be obligated to return to the state treasury a portion of the tax credit granted equal in proportion to the amount the withdrawn funds represent relative to the total funds invested by the investor.

NEW SECTION. Sec. 20. A new section is added to chapter 35.39 RCW to read as follows: A city or town may invest moneys eligible for investment in stocks, bonds, or debt instruments issued by business and industrial development corporations certified and incorporated under state law.

NEW SECTION. Sec. 21. A new section is added to chapter 36.29 RCW to read as follows:

The county treasurer may invest moneys eligible for investment in stocks, bonds, or debt instruments issued by business and industrial development corporations certified and incorporated under state law.

NEW SECTION, Sec. 22. A new section is added to chapter 39.59 RCW to read as follows:

In addition to any other investment authority granted by law, the state of Washington and local governments in the state of Washington are authorized to invest their funds and money in their custody or possession eligible for investment in stocks, bonds, or debt instruments issued by business and industrial development corporations certified and incorporated pursuant to state law.

NEW SECTION, Sec. 23. A new section is added to chapter 43.84 RCW to read as follows:

The state investment board is authorized to invest moneys, including moneys eligible for investment under chapter 41.40 RCW, in stocks, bonds, or debt instruments issued by business and industrial development corporations certified and incorporated pursuant to state law.

NEW SECTION, Sec. 24. (1) A corporation shall not provide direct or indirect financing assistance to:

(a) An associate of the corporation;

(b) Discharge, or to free other money for use in discharging, in whole or in part, an obligation to an associate of that corporation. This section does not apply to a transaction effected by an associate of a corporation in the normal course of that associate's business involving a line of credit or short-term financing assistance.

(c) A business to which an associate of that corporation provides financing assistance, either contemporaneously with, or within one year before or after, the providing of financing assistance by the corporation, if the terms on which the corporation provides financing assistance are less favorable to the corporation than the terms on which the associate provides financing assistance to the business. If the financing assistance provided by the associate of the corporation is of a different kind from the financing assistance provided by the corporation, the burden shall be on the corporation to prove that the terms on which the corporation provided financing assistance were at least as favorable to the corporation as the terms on which the associate provided financing assistance to the business.

This subsection (c) does not apply:

(i) If the associate is a controlling entity of the corporation and is also the only shareholder of the corporation;

(ii) If the associate is a subsidiary of the corporation; or

(iii) To a transaction effected by an associate of a corporation in the normal course of that associate's business involving a line of credit or short-term financing assistance.

(2) For the purposes of this section and section 25 of this act:

(a) 'Control' means, if used with respect to a specified entity, the power to direct or cause the direction of, directly or indirectly through one or more intermediaries, the management and policies of that specified entity, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise. A person shall not be considered to control an entity solely on account of being a director, officer, or employee of that entity. An entity who, directly or indirectly, owns or record or beneficially holds with power to vote, or holds proxies with discretionary authority to vote, twenty percent or more of the then outstanding voting securities issued by a corporation shall be rebuttably presumed to control that corporation; and

(b) 'Controlling entity' means, if used with respect to a specified entity, an entity who controls that specified entity directly or indirectly through one or more intermediaries.

NEW SECTION, Sec. 25. An associate of a corporation shall not receive, directly or indirectly, from an entity to whom that corporation provides financing assistance, compensation in connection with the providing of that financing assistance or anything of value for procuring, influencing, or attempting to procure or influence the corporation's action with respect to the providing of the financing assistance. This section does not apply to the receipt of fees by an associate of a corporation for bona fide closing services performed by that associate if:

(1) The associate, with the consent and knowledge of the entity to whom the financing assistance is provided, is designated by the corporation to perform the services;

(2) The services are appropriate and necessary in the circumstances;

(3) The fees for the services are approved as reasonable by the corporation; and

(4) The fees for the services are collected by the corporation on behalf of the associate.

NEW SECTION, Sec. 26. (1) The sum of ninety thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the office of the supervisor of banking in the department of general administration for the purposes of this act.

(2) The sum of one hundred ten thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of trade and economic development for the purposes of this act.

NEW SECTION, Sec. 27. Sections 1 through 15, 19, 24, and 25 of this act shall constitute a new chapter in Title 31 RCW.

NEW SECTION. Sec. 28. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

NEW SECTION. Sec. 29. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "corporations;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 48.14 RCW; adding a new section to chapter 35.39 RCW; adding a new section to chapter 36.29 RCW; adding a new section to chapter 39.59 RCW; adding a new section to chapter 43.84 RCW; adding a new chapter to Title 31 RCW; making appropriations; providing an effective date; and declaring an emergency."

Signed by Representatives Cantwell, Chair; Doty, Ranking Republican Member; Kremen, Moyer, Rasmussen, Raiter, Rector, Schoon, Tate, Walk and Youngsman.

Absent: Representatives Wineberry, Vice Chair; G. Fisher and Rasmussen.

Referred to Committee on Appropriations.

March 31, 1989

SSB 5206 Prime Sponsor, Committee on Ways & Means: Changing provisions relating to the economic and revenue forecast council. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Appelwick, Basich, Brumsickle, Fraser, Fuhrman, Grant, Haugen, Morris, Phillips, Rust, Silver and H. Sommers.

Absent: Representative Van Luvan.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5213 Prime Sponsor, Committee on Law & Justice: Extending the statute of limitations on written charge accounts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Crane, Vice Chair; Padden, Ranking Republican Member, Belcher, Brough, Dellwo, Hargrove, Insee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Scott, D. Sommers, Tate and Wineberry.

Voting nay: Representative Appelwick, Chair.

Absent: Representatives Locke and Schmidt.

Passed to Committee on Rules for second reading.

March 29, 1989

SB 5231 Prime Sponsor, Senator Pullen: Defining "antique firearms." Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Insee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Locke, Schmidt and Tate.

Passed to Committee on Rules for second reading.

March 31, 1989

SSB 5265 Prime Sponsor, Committee on Transportation: Regulating certain charter boats on state water. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purposes of this chapter are as follows:

(1) Regulate charter boats for the carrying of more than six passengers, which are operated on inland navigable waters of the state and which are not regulated by the United States coast guard;

(2) Protect the safety and health of employees, passengers, and persons utilizing charter boats;

(3) Authorize the department of labor and industries to adopt rules regulating the use of charter boats operating on inland navigable waters of the state and to issue licenses; and

(4) Provide penalties for violations of this chapter.

NEW SECTION, Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Department' means the department of labor and industries.

(2) 'Carrying passengers or cargo' means the transporting of any person or persons or cargo on a vessel for a fee or other consideration.

(3) 'Charter boat' means a vessel or barge operating on inland navigable waters of the state of Washington which is not inspected or licensed by the United States coast guard and over which the United States coast guard does not exercise jurisdiction and which is rented, leased, or chartered to carry more than six persons or cargo.

(4) 'Equipment' means a system, part, or component of a vessel as originally manufactured, or a system, part, or component manufactured or sold for replacement, repair, or improvement of a system, part, or component of a vessel; an accessory or equipment for, or appurtenance to a vessel; or a marine safety article, accessory, or equipment, including radio equipment, intended for use by a person on board a vessel.

(5) 'Inland navigable waters' means all waters within the territorial limits of the state of Washington, shoreward of the navigational demarcation lines dividing the high seas from harbors, rivers, lakes, and other inland waters of the state.

(6) 'Operate' means to start or operate any engine which propels a vessel, or to physically control the motion, direction, or speed of a vessel.

(7) 'Owner' means a person who claims lawful possession of a vessel by virtue of legal title or an equitable interest in a vessel which entitles that person to possession of the vessel; but does not include charterers and lessees.

(8) 'Passenger' means a person carried on board a charter boat except:

(a) The owner of the vessel or the owner's agent; or

(b) The captain and members of the vessel's crew.

(9) 'Operator's license' means a vessel operator's license issued by the United States coast guard or department for the specified tonnage and route of the vessel.

(10) 'Vessel' means every description of motorized watercraft, other than a seaplane or sailboat, used or capable of being used to transport more than six passengers or cargo on water for rent, lease, or hire.

NEW SECTION, Sec. 3. A person shall not rent, lease, or hire out a charter boat, nor carry, advertise for the carrying of, nor arrange for the carrying of, more than six passengers on a vessel for a fee or other consideration on the inland navigable waters of the state unless each of the following conditions is satisfied:

(1)(a) The department has inspected the vessel within the previous twelve months and has issued for the vessel a certificate of inspection that is still valid and current and which allows the carrying of more than six passengers; or

(b) The United States coast guard has inspected the vessel and has issued a certificate of inspection that is still valid and current and which allows the carrying of more than six passengers.

(2) The operator of the vessel is licensed as an operator by either the United States coast guard or the department. The operator must carry such license at all times while operating the vessel and must display such license upon demand by the department.

(3) The vessel has a valid and current registration certificate which is available for inspection by the department.

(4) The vessel is covered by current and valid liability insurance. Proof of such coverage must be provided to the department upon demand.

NEW SECTION, Sec. 4. The department shall inspect or provide for the inspection of every charter boat once every twelve months with the vessel in the water, and once every twenty-four months with the vessel in drydock, to determine if the vessel and its equipment comply with the rules promulgated by the department and with the applicable state and federal laws and regulations. In addition, the department may at any time inspect or provide for the inspection of any charter boat if the department has reasonable cause to believe either that a provision of this chapter has been violated or that an inspection is necessary to ensure the safety of persons or property on the vessel.

(1) Ninety days before any certificate of inspection expires, the department shall mail written notification to the owner of the vessel that a twelve-month or twenty-four-month inspection must be completed before the expiration date. The department shall include with the notification an application for inspection, which must be completed and returned by the owner no later than sixty days before the expiration date of the current certificate of inspection.

The owner shall include the registration fee with the completed application form. A person filing an application shall certify by the person's signature that the information furnished on the application is true and correct.

(2) If, after the inspection, the department determines that the charter boat and its equipment comply with the rules promulgated by the department and with the applicable state and federal laws and regulations, the department shall issue to the owner of the charter boat a certificate of inspection. Such certificate shall specify the maximum passenger, crew, and total person capacity of the charter boat. The certificate shall be valid for one year from the date of issuance. The certificate shall be prominently displayed on the charter boat while the charter boat is operating upon the inland navigable waters of the state.

(3) The department shall determine the minimum number of crew necessary for the safe operation of the charter boat.

(4) If the department determines that the charter boat or its equipment does not comply with the rules promulgated by the department and with the applicable state and federal laws and regulations, the department shall not issue a certificate of inspection and any current certificate of inspection shall be revoked by the department.

NEW SECTION. Sec. 5. (1) The owner of a vessel which does not have a current certificate of inspection or which has not previously been inspected by the department and which must be inspected by the department shall file an application for inspection, accompanied by the required fee, no later than sixty days before the scheduled or requested inspection date. A person filing an application shall certify by the person's signature that the information furnished on the application is true and correct.

(2) If a charter boat has not been inspected during the twenty-four-month period prior to the effective date of this act, the owner shall pay to the department the inspection fee for inspection in the water and the inspection fee for inspection in drydock.

(3) When the department inspects or provides for the inspection of any charter boat because the department has reasonable cause to believe either that a provision of this chapter has been violated or that an inspection is necessary to ensure the safety of persons or property, the owner shall not be required to pay an inspection fee for that inspection.

(4) When a twelve-month in-water inspection and a twenty-four-month drydock inspection are required in the same year, the owner shall only be required to pay the fee for the drydock inspection.

(5) All sums received from licenses, inspection fees, or other sources described in this chapter shall be deposited in the industrial insurance trust funds and shall be used for administrative, education, and enforcement costs associated with this chapter.

Sec. 6. Section 2, chapter 74, Laws of 1979 and RCW 88.04.310 are each amended to read as follows:

~~((All vessels shall be inspected by the department in accordance with rules adopted under RCW 88.04.330.))~~ The owner or operator of every vessel inspected by the department shall pay the department a fee for each inspection ~~((as may be determined by the director under RCW 88.04.330.))~~. The fee shall be established by rule and shall cover the full cost of the inspection program including travel, per diem, and administrative and legal support costs for the program.

Sec. 7. Section 3, chapter 74, Laws of 1979 and RCW 88.04.320 are each amended to read as follows:

(1) It is unlawful for any person to operate a vessel unless that person holds a valid license issued by the United States coast guard or the department to operate a vessel of that class.

(2) It is unlawful for any person to operate a vessel unless the vessel is operated in compliance with the rules of the department of labor and industries and has a current certificate of inspection posted.

(3) Any violation of the licensing and inspection provisions of this chapter is punishable pursuant to the penalties provided under the Washington industrial safety and health act, chapter 49.17 RCW.

Sec. 8. Section 4, chapter 74, Laws of 1979 and RCW 88.04.330 are each amended to read as follows:

(1) The department shall adopt by rule, under chapter ~~((34.04))~~ 34.05 RCW:

(a) Procedures, standards, and fees for the licensing of operators of any vessel used as a charter boat, as defined under section 2 of this act, operating on inland navigable waters for rent, lease, or hire;

(b) Standards and fees for the inspection of vessels;

~~((b) The federal laws and rules relating to navigation as they are now or hereafter amended; and))~~

(c) Minimum safety and health standards for passengers and crew on board charter boats. These rules shall approximate, where appropriate, the rules adopted by the United States coast guard in 46 C.F.R., subchapter T, small passenger vessels under one hundred gross tons; and

(d) Any other rules needed for the efficient administration of the purposes of this chapter.

(2) Rules adopted by the department shall use United States coast guard standards and precedents and be consistent with United States coast guard practices whenever possible.

NEW SECTION. Sec. 9. (1) A person who has been denied a certificate of inspection or a license may petition the department for an evidentiary hearing.

(2) A person who owns a charter boat may petition the department for an evidentiary hearing regarding the determination of the maximum passengers, crew, or total capacity of the charter boat.

NEW SECTION. Sec. 10. (1) The department may enter into reciprocal agreements with other states concerning the operation and inspection of charter boats from those states that operate on the inland navigable waters of the state of Washington. Reciprocity shall be granted only if a state can establish to the satisfaction of the department that their laws and standards concerning charter boats meet or exceed the laws and rules of the state of Washington. A charter boat that operates on the inland navigable waters of this state under a reciprocal agreement pursuant to this section shall obtain an annual operating permit from the department for a fee for each year the charter boat does business on the waters of the state of Washington. The department shall deposit the fees from annual operating permits issued pursuant to this section in the industrial insurance trust funds.

(2) The department shall develop an education and enforcement program designed to eliminate the operation of charter boats that have not been inspected and certified as required by this chapter, and shall prepare printed materials to provide the public with information regarding the safety features and requirements necessary for the lawful operation of charter boats.

NEW SECTION. Sec. 11. The provisions of this chapter shall not apply to:

(1) A vessel that is a charter boat but is being used by the documented or registered owner of the charter boat exclusively for the owner's own noncommercial or personal pleasure purposes;

(2) A vessel owned by a person or corporate entity which is donated and used by a person or nonprofit organization to transport passengers for charitable or noncommercial purposes, regardless of whether consideration is directly or indirectly paid to the owner;

(3) A vessel that is rented, leased, or hired by an operator to transport passengers for non-commercial or personal pleasure purposes; or

(4) A vessel used exclusively for, or incidental to, an educational purpose.

NEW SECTION. Sec. 12. Unless specifically provided by statute this chapter and the rules adopted thereunder shall be implemented and enforced, including penalties, violations, citations, appeals, and other administrative procedures, pursuant to the Washington industrial safety and health act, chapter 49.17 RCW.

NEW SECTION. Sec. 13. This chapter may be known and cited as the charter boat safety act.

NEW SECTION. Sec. 14. Sections 1 through 5 and 9 through 13 of this act are each added to chapter 88.04 RCW.

NEW SECTION. Sec. 15. The sum of forty-eight thousand three hundred dollars, or as much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1991, to provide funds for start-up costs on a one-time basis.

NEW SECTION. Sec. 16. Section 1, chapter 74, Laws of 1979 and RCW 88.04.300 are each repealed."

On page 1, line 1 of the title, after "boats;" strike the remainder of the title and insert "amending RCW 88.04.310, 88.04.320, and 88.04.330; adding new sections to chapter 88.04 RCW; repealing RCW 88.04.300; prescribing penalties; and making an appropriation."

Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Fuhrman, Hargrove, Raiter and Sayan.

Referred to Committee on Appropriations.

March 29, 1989

SSB 5285 Prime Sponsor, Committee on Financial Institutions & Insurance: Providing that certain covenants survive a tax foreclosure sale. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Locke, R. Meyers, Schmidt and Tate.

Passed to Committee on Rules for second reading.

March 31, 1989

SSB 5289 Prime Sponsor, Committee on Environment & Natural Resources:
Authorizing the formation of regional fisheries enhancement groups.
Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Three regional fisheries enhancement groups are authorized:

- (1) Washington coast and the Straits of Juan de Fuca;
- (2) Puget Sound; and
- (3) Columbia river.

NEW SECTION. Sec. 2. Regional fisheries enhancement groups, consistent with the long term regional policy statements developed under RCW 75.50.020, shall seek to:

- (1) Enhance the salmon resource of the state;
- (2) Maximize volunteer efforts and private donations to improve the salmon resource for all citizens;
- (3) Assist the department in achieving the goal to double the state-wide salmon catch by the year 2000 under chapter 214, laws of 1988; and
- (4) Develop projects designed to supplement the fishery enhancement capability of the department of fisheries.

NEW SECTION. Sec. 3. Any interested person may become a member of a regional fisheries enhancement group. To obtain funding that is available or that may become available for enhancement projects, a regional fisheries enhancement group shall:

- (1) Include members broadly representative of the region such as sport fishers, commercial fishers, Indian tribes, business and industry representatives, environmental groups, local governmental entities, and the general public having an interest in salmon enhancement;
- (2) Establish a broadly representative board of directors;
- (3) Develop and adopt organizational by-laws;
- (4) Obtain a federal non-profit tax-exempt status.

NEW SECTION. Sec. 4. The director may adopt rules to guide the formation and operation of regional fisheries enhancement groups.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. Sections 1 through 4 of this act shall constitute a new chapter in Title 75 RCW."

On page 1, line 1 of the title after "enhancement;" strike the remainder of the title and insert "and adding a new chapter to Title 75 RCW."

Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Basich, Bowman, Brooks, Cole, Haugen, Smith, Spanel and Vekich.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5293 Prime Sponsor, Committee on Higher Education: Establishing college classes in Clallam or Jefferson county. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board shall conduct an assessment of upper-division and graduate level programs and courses needed by placebound students living in areas of the state not addressed by the board's branch campus initiative. The assessment shall include consideration of the needs in Clallam and Jefferson counties. The board shall also consider alternatives for the delivery of such programs and courses. The board shall report its findings and recommendations to the governor and the house of representatives and senate committees on higher education by September 1, 1990.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board may develop and administer demonstration projects designed to prepare and assist persons to obtain a higher education in this state.

Sec. 3. Section 4, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 362, Laws of 1985 and RCW 28B.15.014 are each amended to read as follows:

The following nonresidents shall be exempted from paying the nonresident tuition and fee differential:

- (1) Any person who resides in the state of Washington and who holds a graduate service appointment designated as such by a public institution of higher education or is employed for

an academic department in support of the instructional or research programs involving not less than twenty hours per week during the term such person shall hold such appointment.

(2) Any faculty member, classified staff member or administratively exempt employee holding not less than a half time appointment at an institution who resides in the state of Washington, and the dependent children and spouse of such persons.

(3) Active-duty military personnel stationed in the state of Washington and the spouses and dependents of such military personnel.

(4) Any immigrant refugee and the spouse and dependent children of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship.

(5) Any dependent of a member of the United States congress representing the state of Washington."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.15.014; and adding new sections to chapter 28B.80 RCW."

Signed by Representatives Jacobsen, Chair; Spanel, Vice Chair; Van Luven, Ranking Republican Member; Basich, Doty, Fraser, Heavey, Inslee, Jesernig, H. Myers, Prince, Rector and Wood.

Absent: Representatives Doty and Miller.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5299 Prime Sponsor, Committee on Governmental Operations: Permitting voters to receive assistance in voting. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, O'Brien, Rector, Sayan and Silver.

Voting nay: Representative Morris.

Absent: Representative Hankins.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5305 Prime Sponsor, Committee on Law & Justice: Providing immunity for equine activities. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. Unless the context clearly indicates otherwise, the definitions in this section apply to sections 1 through 3 of this act.

(1) 'Equine' means a horse, pony, mule, donkey, or hinny.

(2) 'Equine activity' means: (a) Equine shows, fairs, competitions, performances, or parades that involve any or all breeds of equines and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, endurance trail riding and western games, and hunting; (b) equine training and/or teaching activities; (c) boarding equines; (d) riding, inspecting, or evaluating an equine belonging to another whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine; and (e) rides, trips, hunts, or other equine activities of any type however informal or impromptu that are sponsored by an equine activity sponsor.

(3) 'Equine activity sponsor' means an individual, group or club, partnership, or corporation, whether or not the sponsor is operating for profit or nonprofit, which sponsors, organizes, or provides the facilities for, an equine activity including but not limited to: Pony clubs, 4-H clubs, hunt clubs, riding clubs, school and college sponsored classes and programs, therapeutic riding programs, and, operators, instructors, and promoters of equine facilities, including but not limited to stables, clubhouses, ponyride strings, fairs, and arenas at which the activity is held.

(4) 'Participant' means any person, whether amateur or professional, who directly engages in an equine activity, whether or not a fee is paid to participate in the equine activity.

(5) 'Engages in an equine activity' means a person who rides, trains, drives, or is a passenger upon an equine, whether mounted or unmounted, and does not mean a spectator at an equine activity or a person who participates in the equine activity but does not ride, train, drive, or ride as a passenger upon an equine.

(6) 'Equine professional' means a person engaged for compensation (a) in instructing a participant or renting to a participant an equine for the purpose of riding, driving, or being a passenger upon the equine, or, (b) in renting equipment or tack to a participant.

NEW SECTION. Sec. 2. (1) Except as provided in subsection (2) of this section, an equine activity sponsor or an equine professional shall not be liable for an injury to or the death of a participant engaged in an equine activity, and, except as provided in subsection (2) of this section, no participant nor participant's representative may maintain an action against or recover from an equine activity sponsor or an equine professional for an injury to or the death of a participant engaged in an equine activity.

(2)(a) Sections 1 and 2 of this act do not apply to the horse racing industry as regulated in chapter 67.16 RCW.

(b) Nothing in subsection (1) of this section shall prevent or limit the liability of an equine activity sponsor or an equine professional:

(i) If the equine activity sponsor or the equine professional:

(A) Provided the equipment or tack and the equipment or tack caused the injury; or

(B) Provided the equine and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity, determine the ability of the equine to behave safely with the participant, and determine the ability of the participant to safely manage the particular equine;

(ii) If the equine activity sponsor or the equine professional owns, leases, rents, or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries because of a dangerous latent condition which was known to or should have been known to the equine activity sponsor or the equine professional and for which warning signs have not been conspicuously posted;

(iii) If the equine activity sponsor or the equine professional commits an act or omission that constitutes willful or wanton disregard for the safety of the participant and that act or omission caused the injury;

(iv) If the equine activity sponsor or the equine professional intentionally injures the participant;

(v) Under liability provisions as set forth in the products liability laws; or

(vi) Under liability provisions in chapter 16.04, 16.13, or 16.16 RCW.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act apply only to causes of action filed on or after the effective date of this act.

NEW SECTION. Sec. 4. Sections 1 and 2 of this act are each added to chapter 4.24 RCW."

On page 1, line 2 of the title, after "activities;" strike the remainder of the title and insert "and adding new sections to chapter 4.24 RCW."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Insee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Locke and Schmidt.

Passed to Committee on Rules for second reading.

March 31, 1989

SSB 5315 Prime Sponsor, Committee on Environment & Natural Resources: Prescribing financial responsibility for vessels that spill oil. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature recognizes that oil spills and other forms of incremental pollution present serious danger to the fragile marine environment of Washington state. It is the intent and purpose of this chapter to define and prescribe financial responsibility requirements for vessels that transport petroleum products across the waters of the state of Washington.

NEW SECTION. Sec. 2. The following definitions apply throughout this chapter:

(1) 'Department' means the state department of ecology;

(2) 'Petroleum products' means oil as it is defined in RCW 90.48.315;

(3) 'Vessel' means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

NEW SECTION. Sec. 3. Any vessel over three hundred gross tons, that transports petroleum products as cargo, using any port or place in the state of Washington or the navigable waters of the state shall establish, under rules prescribed by the director of the department of ecology, evidence of financial responsibility in the amount of the greater of one million dollars, or one hundred fifty dollars per gross ton of such vessel, to meet the liability to the state of Washington for the following: (1) The actual costs for removal of spills of petroleum products; (2) civil penalties and fines; and (3) natural resource damages.

NEW SECTION, Sec. 4. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the director of the department of ecology: (1) Evidence of insurance; (2) surety bonds; (3) qualification as a self-insurer; or (4) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States. Documentation of such financial responsibility shall be kept on any barge or tank vessel transporting petroleum products as cargo and filed with the department. The owner or operator of any other vessel shall maintain on the vessel a certificate issued by the United States coast guard evidencing compliance with the requirements of section 311 of the federal clean water act, 33 U.S.C. Sec. 1251 et seq.

NEW SECTION, Sec. 5. Any vessel owner or operator that does not meet the financial responsibility requirements of this act and any rules prescribed thereunder shall be reported to the secretary of transportation who shall suspend the privilege of operating said vessel until financial responsibility is demonstrated.

NEW SECTION, Sec. 6. Any owner or operator of a vessel subject to this chapter, who fails to comply with section 3 of this act or any regulation issued thereunder, shall be subject to a penalty not to exceed ten thousand dollars. The penalty shall be imposed pursuant to RCW 43.21B.300.

NEW SECTION, Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 88 RCW.

NEW SECTION, Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 3 of the title, after "Washington;" strike the remainder of the title and insert "adding a new chapter to Title 88 RCW; and prescribing penalties."

Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprenkle, Van Luven and Walker.

Passed to Committee on Rules for second reading.

March 31, 1989

SSB 5348 Prime Sponsor, Committee on Environment & Natural Resources: Relating to the regulating of fishing. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; S. Wilson, Ranking Republican Member; Bowman, Brooks, Cole, Smith and Vekich.

Voting nay: Representatives Basich and Spanel.

Passed to Committee on Rules for second reading.

March 30, 1989

ESSB 5366 Prime Sponsor, Committee on Transportation: Revising administration of public transit authorities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betrozoff, Cantwell, Day, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Prentice, Prince, Smith, D. Sommers, Walker, S. Wilson and Zellinsky.

Voting nay: Representative Gallagher.

Absent: Representatives Baugher, Vice Chair; Cooper, Day, G. Fisher and Patrick.

Passed to Committee on Rules for second reading.

March 31, 1989

2SSB 5372 Prime Sponsor, Committee on Ways & Means: Revising laws concerning recreational boating. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that the waters of Washington state provide a unique and valuable recreational resource to large and growing numbers of boaters. Proper

stewardship of, and respect for, these waters requires that, while enjoying them for their scenic and recreational benefits, boaters must exercise care to assure that such activities do not contribute to the despoliation of these waters, and that watercraft be operated in a safe and responsible manner. The legislature has specifically addressed the topic of access to clean and safe waterways by requiring the 1987 boating safety study and by establishing the Puget Sound water quality authority.

The legislature finds that there is a need to educate Washington's boating community about safe and responsible actions on our waters and to increase the level and visibility of the enforcement of boating laws. To address the incidence of fatalities and injuries due to recreational boating on our state's waters, local and state efforts directed towards safe boating must be stimulated. To provide for safe waterways and public enjoyment, funds should be made available for boating safety and other boating recreation purposes.

In recognition of the need for clean waterways, and in keeping with the Puget Sound water quality authority's 1987 management plan, the legislature finds that adequate opportunities for responsible disposal of boat sewage must be made available. There is hereby established a five-year initiative to install sewage pumpout or sewage dump stations at appropriate marinas.

To assure the use of these sewage facilities, a boater environmental education program must accompany the five-year initiative and continue to educate boaters about boat wastes and aquatic resources.

The legislature also finds that, in light of the increasing numbers of boaters utilizing state waterways, a program to acquire and develop sufficient waterway access facilities for boaters must be undertaken.

To support boating safety, environmental protection and education, and public access to our waterways, the legislature declares that funds should be made available to support these efforts.

NEW SECTION. Sec. 2. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) 'Boat wastes' shall include, but are not limited to, sewage, garbage, marine debris, plastics, contaminated bilge water, cleaning solvents, paint scrapings or discarded petroleum products associated with the use of vessels.

(2) 'Boater' means any person on a vessel on waters of the state of Washington.

(3) 'Commission' means the Washington state parks and recreation commission.

(4) 'Environmentally sensitive area' means a restricted body of water where discharge of untreated sewage from boats is especially detrimental because of limited flushing, shallow water, commercial or recreational shellfish, swimming areas, diversity of species, the absence of other pollution sources, or other characteristics.

(5) 'Marina' means a facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

(6) 'Polluted area' means a body of water used by boaters that is contaminated by boat wastes at unacceptable levels, based on applicable water quality and shellfish standards.

(7) 'Public entities' means all elected or appointed bodies, including tribal governments, responsible for collecting and spending public funds.

(8) 'Sewage dump station' means any receiving chamber or tank designed to receive vessel sewage from a 'porta-potty' or a portable container.

(9) 'Sewage pumpout station' means a mechanical device, generally stationed on a dock, pier, float, barge, or other location convenient to boaters, designed to remove sewage waste from holding tanks on vessels.

(10) 'Vessel' means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

NEW SECTION. Sec. 3. The commission, in consultation with the departments of ecology, fisheries, wildlife, natural resources, social and health services, and the Puget Sound water quality authority shall conduct a literature search and analyze pertinent studies to identify areas which are polluted or environmentally sensitive within the state's waters. Based on this review the commission shall designate appropriate areas as polluted or environmentally sensitive, for the purposes of this act only.

NEW SECTION. Sec. 4. (1) A marina which meets one or more of the following criteria shall be designated by the commission as appropriate for installation of a sewage pumpout or sewage dump station:

(a) The marina is located in an environmentally sensitive or polluted area; or

(b) The marina has one hundred twenty-five slips or more and there is a lack of sewage pumpouts within a reasonable distance.

(2) In addition to subsection (1) of this section, the commission may at its discretion designate a marina as appropriate for installation of a sewage pumpout or sewage dump station if there is a demonstrated need for a sewage pumpout or sewage dump station at the marina based on professionally conducted studies undertaken by federal, state, or local government, or the private sector; and it meets the following criteria:

- (a) The marina provides commercial services, such as sales of food, fuel or supplies, or overnight or live-aboard moorage opportunities;
- (b) The marina is located at a heavily used boating destination or on a heavily traveled route, as determined by the commission; or
- (c) There is a lack of adequate sewage pumpout station capacity within a reasonable distance.

(3) Exceptions to the designation made under this section may be made by the commission if no sewer, septic, water, or electrical services are available at the marina.

(4) In addition to marinas, the commission may designate boat launches or boater destinations as appropriate for installation of a sewage pumpout or sewage dump station based on the criteria found in subsections (1) and (2) of this section.

NEW SECTION. Sec. 5. (1) Marinas and boat launches designated as appropriate for installation of a sewage pumpout or sewage dump station under section 4 of this act shall be eligible for funding support for installation of such facilities from funds specified in section 11 of this act. The commission shall notify owners or operators of all designated marinas and boat launches of the designation, and of the availability of funding to support installation of appropriate sewage disposal facilities. The commission shall encourage the owners and operators to apply for available funding.

(2) The commission shall contract with, or enter into an interagency agreement with another state agency to contract with, applicants based on the criteria specified below:

(a)(i) Contracts may be awarded to publicly owned, tribal, or privately owned marinas or boat launches.

(ii) Contracts may provide for state reimbursement to cover eligible costs as deemed reasonable by commission rule. Eligible costs include purchase, installation, or major renovation of the sewage pumpout or sewage dump stations, including sewer, water, electrical connections, and those costs attendant to the purchase, installation, and other necessary appurtenances, such as required pier space, as determined by the commission.

(iii) Ownership of the sewage pumpout or sewage dump station will be retained by the state through the commission in privately owned marinas. Ownership of the sewage pumpout or sewage dump station in publicly owned marinas will be held by the public entity.

(iv) Operation, normal and expected maintenance, and ongoing utility costs will be the responsibility of the marina or boat launch operator. The sewage pumpout or sewage dump station must be kept in operating condition and available for public use at all times during operating hours of the facility, excluding necessary maintenance periods.

(v) The marina owner agrees to allow the installation, existence and use of the sewage pumpout or sewage dump station by granting an easement at no cost for such purposes.

(b) Contracts awarded pursuant to (a) of this subsection shall be subject, for a period of at least ten years, to the following conditions:

(i) Any facility entering into a contract under this section must allow the boating public access to the sewage pumpout or sewage dump station during operating hours.

(ii) The applicant must agree to monitor and encourage the use of the sewage pumpout or sewage dump station, and to cooperate in any related boater environmental education program administered or approved by the commission.

(iii) The applicant must agree not to charge a fee for the use of the sewage pumpout or sewage dump station.

(iv) The applicant must agree to arrange and pay a reasonable fee for a periodic inspection of the sewage pumpout facility by the local health department or appropriate authority.

(v) Use of a free sewage pumpout or sewage dump station by the boating public shall be deemed to be included in the term 'outdoor recreation' for the purposes of chapter 4.24 RCW.

NEW SECTION. Sec. 6. The department of ecology, in consultation with the commission, shall develop criteria for the design, installation, and operation of sewage pumpout and sewage dump stations, taking into consideration the ease of access to the station by the boating public. The department of ecology may adopt rules to administer the provisions of this section.

NEW SECTION. Sec. 7. The commission shall undertake a state-wide boater environmental education program concerning the effects of boat wastes. The boater environmental education program shall provide informational materials on proper boat waste disposal methods, environmentally safe boat maintenance practices, locations of sewage pumpout and sewage dump stations, and boat oil recycling facilities.

NEW SECTION. Sec. 8. The commission shall award grants to local government entities for boater environmental education or boat waste management planning. Grants shall be allocated according to criteria developed by the commission.

NEW SECTION. Sec. 9. The commission shall, in consultation with interested parties, review progress on installation of sewage pumpout and sewage dump stations, the boater environmental education program, and the boating safety program. The commission shall report its findings to the legislature by December 1994.

NEW SECTION. Sec. 10. There is established the boater recreation financing program. Any amounts that the legislature chooses to appropriate to this program shall be expended in accordance with section 11 of this act.

NEW SECTION. Sec. 11. Any amounts appropriated to the boater recreation financing program shall be expended in accordance with the following limitations:

(1) Thirty percent to the interagency committee for outdoor recreation to be expended for use by state and local government for public recreational waterway boater access and boater destination sites. Priority shall be given to critical site acquisition. The interagency committee for outdoor recreation shall administer such funds as a competitive grants program. The amounts provided for in this subsection shall be evenly divided between state and local governments.

(2) Thirty percent of the funds shall be expended by the commission exclusively for sewage pumpout or sewage dump stations at publicly and privately owned marinas as provided for in sections 4 and 5 of this act.

(3) Twenty-five percent of the funds shall be expended for grants to state agencies and other public entities to enforce boating safety and registration laws and to carry out boating safety programs. The commission shall administer such grant program.

(4) Fifteen percent shall be expended for instructional materials, programs or grants to the public school system, public entities, or other nonprofit community organizations to support boating safety and boater environmental education or boat waste management planning. The commission shall administer this program.

Sec. 12. Section 17, chapter 7, Laws of 1983 and RCW 88.02.040 are each amended to read as follows:

The department shall provide for the issuance of vessel registrations and may appoint agents for collecting fees and issuing registration numbers and decals. Fees for vessel registrations collected by the director shall be deposited in the general fund; PROVIDED, That any amount above one million one hundred thousand dollars per fiscal year shall be allocated to counties by the state treasurer for boating safety/education and law enforcement programs. Eligibility for such allocation shall be contingent upon approval of the local boating safety program by the state parks and recreation commission. Fund allocation shall be based on the numbers of registered vessels by county of moorage. Each benefiting county shall be responsible for equitable distribution of such allocation to other jurisdictions with approved boating safety programs within said county. Any fees not allocated to counties due to the absence of an approved boating safety program, shall be allocated to the state parks and recreation commission for awards to local governments to offset law enforcement and boating safety impacts of boaters recreating in jurisdictions other than where registered.

Sec. 13. Section 18, chapter 7, Laws of 1983 as amended by section 45, chapter 3, Laws of 1983 2nd ex. sess. and RCW 88.02.050 are each amended to read as follows:

Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of six dollars per year and the excise tax imposed under chapter 82.49 RCW. Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the six-dollar annual registration fee.

Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefor, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee and excise tax. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar which shall be deposited with the state treasurer and credited to the general fund to defray the cost of administration.

Sec. 14. Section 19, chapter 7, Laws of 1983 as amended by section 1, chapter 149, Laws of 1987 and RCW 88.02.060 are each amended to read as follows:

(1) Each vessel dealer in this state shall register with the department in the manner and upon forms prescribed by the department, in accordance with rules adopted under chapter ~~(34.04)~~ 34.05 RCW. After the completed vessel dealer application has been satisfactorily filed and the applicant is eligible as determined by the department's rules, the department shall, if

no denial proceeding is in effect, issue the vessel dealer's registration on the basis of staggered annual expiration dates.

(2) Before issuing a vessel dealer's registration, the department shall require the applicant to file with the department a surety bond in the amount of five thousand dollars, running to the state of Washington, and executed by a surety company authorized to do business in the state of Washington. The bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter. Any vessel consignor or purchaser who has suffered any loss or damage by reason of any act or omission by a dealer that constitutes a violation of this chapter may institute an action for recovery against the dealer and the surety upon the bond. Successive recoveries against the bond shall be permitted, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. Upon exhaustion of the penalty of the bond or cancellation of the bond by the surety, the vessel dealer registration shall automatically be deemed canceled.

(3) Vessel dealers selling fifteen vessels or fewer per year having a retail value of no more than two thousand dollars each shall not be subject to the provisions of subsection (2).

(4) For the fiscal biennium from July 1, 1987, through June 30, 1989, the registration fee for dealers shall be fifty dollars per year for an original registration, and twenty-five dollars for any subsequent renewal. In addition, a fee of twenty-five dollars shall be collected for the first decal, fifteen dollars for each additional decal, and fifteen dollars for each vessel dealer display decal replacement. In ensuing biennia, the director shall establish the amount of such fees at a sufficient level to defray the costs of administering the vessel dealer registration program. All such fees shall be fixed by rule adopted by the director in accordance with the Administrative Procedure Act, chapter ~~((34.04))~~ 34.05 RCW. All fees collected under this section shall be deposited with the state treasurer and credited to the general fund to defray the cost of administration of the vessel dealer registration program.

Sec. 15. Section 46, chapter 3, Laws of 1983 2nd ex. sess. as amended by section 4, chapter 258, Laws of 1985 and RCW 88.02.070 are each amended to read as follows:

(1) The department shall provide for the issuance of vessel certificates of title. Applications for certificates may be made through the agents appointed under RCW 88.02.040. The fee for a vessel certificate of title is five dollars. Fees for vessel certificates of title shall be deposited ~~((tm))~~ with the state treasurer and credited to the general fund to defray the cost of administration of this section. Security interests in vessels subject to the requirements of this chapter and attaching after July 1, 1983, shall be perfected only by indication upon the vessel's title certificate. The provisions of chapters 46.12 and 46.16 RCW relating to motor vehicle certificates of registration, titles, certificate issuance, ownership transfer, and perfection of security interests, and other provisions which may be applied to vessels subject to this chapter, may be so applied by rule of the department if they are not inconsistent with this chapter.

(2) Whenever a vessel is to be registered for the first time as required by this chapter, except for a vessel having a valid marine document as a vessel of the United States, application shall be made at the same time for a certificate of title. Any person who purchases or otherwise obtains majority ownership of any vessel subject to the provisions of this chapter, except for a vessel having a valid marine document as a vessel of the United States, shall within fifteen days thereof apply for a new certificate of title which shows the vessel's change of ownership.

(3) Security interests may be released or acted upon as provided by the law under which they arose or were perfected. No new security interest or renewal or extension of an existing security interest is affected except as provided under the terms of this chapter and RCW 46.12.095.

(4) Notice shall be given to the issuing authority by the owner indicated on the certificate of registration within fifteen days of the occurrence of any of the following: Transfer of any part or all of the ownership of a vessel registered under this chapter; any change of address of owner; destruction, loss, abandonment, theft, or recovery of the vessel; or loss or destruction of a valid certificate of registration on the vessel.

Sec. 16. Section 16, chapter 7, Laws of 1983 as last amended by section 1, chapter 452, Laws of 1985 and RCW 88.02.030 are each amended to read as follows:

Vessel registration is required under this chapter except for the following:

(1) Military or public vessels of the United States, except recreational-type public vessels;
 (2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;

(3) Vessels owned by a resident of a country other than the United States if the vessel is not physically located upon the waters of this state for a period of more than sixty days;

(4) Vessels owned by a resident of another state if the vessel is registered in accordance with the laws of the state in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for vessels registered in this state: PROVIDED, That any vessel which is validly registered in another state and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;

(5) Vessels used as a ship's lifeboat;

- (6) Vessels equipped with propulsion machinery of less than ten horse power that:
- (a) Are owned by the owner of a vessel for which a valid vessel number has been issued;
 - (b) Display the number of that numbered vessel followed by the suffix '1' in the manner prescribed by the department; and
 - (c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;
- (7) Vessels under sixteen feet in overall length which have no propulsion machinery of any type ((or which are not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States and are powered by propulsion machinery of ten or less horsepower));
- (8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;
- (9) Vessels which are temporarily in this state undergoing repair or alteration;
- (10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States. Commercial vessels which the department of revenue determines have the external appearance of vessels which would otherwise be required to register under this chapter, must display decals issued annually by the department of revenue that indicate the vessel's exempt status; and
- (11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States.

NEW SECTION. Sec. 17. The commission shall adopt rules as are necessary to carry out all sections of this act except for sections 6, 10, 11(1), and 13 through 16 of this act. The commission shall comply with all applicable provisions of chapter 34.05 RCW in adopting the rules.

NEW SECTION. Sec. 18. The interagency committee for outdoor recreation shall adopt rules as are necessary to carry out section 11(1) of this act. The interagency committee for outdoor recreation shall comply with all applicable provisions of chapter 34.05 RCW in adopting the rules.

NEW SECTION. Sec. 19. By January 1, 1991, the commission shall issue a report to the appropriate committees of the house and senate showing how funds have been allocated under this section and the extent to which the allocations have resulted in additional vessel registrations and increased watercraft excise tax revenues.

NEW SECTION. Sec. 20. Sections 1 through 11 of this act shall constitute a new chapter in title 88 RCW."

On page 1, line 1 of the title, after "boating;" strike the remainder of the title and insert "amending RCW 88.02.040, 88.02.050, 88.02.060, 88.02.070, and 88.02.030; creating a new chapter in Title 88 RCW; and creating new sections."

Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Fuhrman, Hargrove, Raiter and Sayan.

Voting nay: Representative Hargrove.

Referred to Committee on Appropriations.

March 30, 1989

2SSB 5375 Prime Sponsor, Committee on Ways & Means: Establishing a DNA identification system. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that recent developments in molecular biology and genetics have important applications for forensic science. It has been scientifically established that there is a unique pattern to the chemical structure of the deoxyribonucleic acid (DNA) contained in each cell of the human body. The process for identifying this pattern is called 'DNA identification.'

The legislature further finds that the accuracy of identification provided by this method is superior to that of any presently existing technique and recognizes the importance of this scientific breakthrough in providing a reliable and accurate tool for the investigation and prosecution of sex offenses as defined in RCW 9.94A.030(23) and violent offenses as defined in RCW 9.94A.030(26).

NEW SECTION. Sec. 2. (1) To support criminal justice services in the local communities throughout this state, the state patrol in consultation with the University of Washington school of medicine shall develop a plan for and establish a DNA identification system. In implementing the plan, the state patrol shall purchase the appropriate equipment and supplies. The state patrol shall procure the most efficient equipment available.

(2) The DNA identification system as established shall be compatible with that utilized by the federal bureau of investigation.

(3) The state patrol and the University of Washington school of medicine shall report on the DNA identification system to the legislature no later than November 1, 1989. The report shall include a time line for implementing each stage, a local agency financial participation analysis, a system analysis, a full cost/purchase analysis, a vendor bid evaluation, and a space location analysis that includes a site determination. The state patrol shall coordinate the preparation of this report with the office of financial management.

NEW SECTION. Sec. 3. In order to provide adequate safeguards to protect the privacy interests of those affected, the Washington state patrol after consultation with forensic evidence, biomedical ethics, civil liberties experts, and eight legislators, four from the judiciary committee and four from the law and justice committee, as appointed by the speaker of the house of representatives and the senate majority leader, shall establish specific rules and procedures for the collection, analysis, storage, expungement, and use of DNA identification data. The Washington state patrol in cooperation with the University of Washington school of medicine shall also develop a program for the proper administration and collection of blood samples. This program shall include requirements that the blood samples be taken under sanitary conditions in a medically approved manner by a physician, registered nurse, or licensed phlebotomist.

NEW SECTION. Sec. 4. After December 1, 1989, and the adoption of appropriate safeguards, every individual convicted in a Washington superior court of a felony defined as a sex offense under RCW 9.94A.030(23)(a) or a violent offense as defined in RCW 9.94A.030(26) shall have a blood sample drawn for purposes of DNA identification analysis before release from or transfer to a state correctional institution. Any blood sample taken pursuant to sections 2 through 6 of this act shall be used solely for the purpose of providing DNA or other blood grouping tests for identification analysis and prosecution of a sex offense or a violent offense.

NEW SECTION. Sec. 5. Beginning June 1, 1990, the state patrol in consultation with the University of Washington school of medicine shall:

- (1) Provide DNA analysis services to law enforcement agencies throughout the state;
- (2) Provide assistance to law enforcement officials and prosecutors in the preparation and utilization of DNA evidence for presentation in court; and
- (3) Provide expert testimony in court on DNA evidentiary issues.

NEW SECTION. Sec. 6. (1) No local law enforcement agency may establish or operate a DNA identification system unless:

- (a) The equipment of the local system is compatible with that of the state system under section 2 of this act; and
- (b) The local system is equipped to receive and answer inquiries from the Washington state patrol DNA identification system and transmit data to the Washington state patrol DNA identification system.

(2) The Washington state patrol shall adopt rules to implement this section.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act are each added to chapter 43.43 RCW.

NEW SECTION. Sec. 8. Any moneys received by the state from the bureau of justice assistance shall be used to conserve state funds if not inconsistent with the terms of the grant. To the extent that federal funds are available for the purposes of this act, state funds appropriated in this section shall lapse and revert to the general fund.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, sections 2 and 5 of this act shall be null and void."

On page 1, line 1 of the title, after "identification," strike the remainder of the title and insert "adding new sections to chapter 43.43 RCW; and creating new sections."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Locke and Schmidt.

Referred to Committee on Appropriations.

March 30, 1989

SB 5381 Prime Sponsor, Senator Sellar: Increasing penalties for vehicular homicide due to drunken or reckless driving. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 20 after "18" strike "and 3 years junior" and insert "~~((and 3 years junior))~~"
On page 1, beginning on line 24 strike everything through "(RCW 46.61.520)" on page 1,
line 26

On page 1, after line 40 insert "vehicular homicide, by being under the influence of intoxicating liquor or any drug or by the operation of any vehicle in a reckless manner (RCW 46.61.520)"

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, Locke, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representative Scott.

Referred to Committee on Appropriations.

March 31, 1989

SSB 5383 Prime Sponsor, Committee on Economic Development & Labor: Establishing a program for employment and training planning. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that the economy of Washington, like that of the nation, has shifted to an international economic arena. To meet this growing competition from other countries, businesses in the state need a skilled and flexible work force. Because of the increased technical nature of the new jobs and the tightening of labor markets, employers will be hard pressed to find skilled workers to meet world market competition. Approximately eighty-five percent of the workforce for the year 2000 is already employed. Many of the workers currently employed will encounter problems adapting to the needs of the future labor market. A large share of the workers will need improved technical skills. Action is needed to retrain workers to keep up with emerging technology and to provide the necessary skills to workers reentering the work force. To assist workers in need of skills and employers in need of skilled workers, an increase in training opportunities in the state is necessary.

The legislature further finds that by directing additional job training and retraining to those individuals who are recipients of unemployment insurance benefits, recent exhaustees of benefits, or employees who are soon likely to claim benefits due to economic dislocation, the state can reduce pressure on the unemployment insurance system and at the same time promote the economic development of the state.

NEW SECTION, Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) 'Council' means the Washington council on employment futures.
- (2) 'Commissioner' means the commissioner of the employment security department.
- (3) 'Department' means the employment security department.
- (4) 'Program' means the Washington employment futures program.
- (5) 'Fund' means the employment futures fund established in section 11 of this act for the deposit and expenditure of funds acquired for the implementation of the Washington employment futures program.
- (6) 'Training' means any education or skill training or retraining activity that is needed by an individual to begin or continue full participation in the Washington work force.
- (7) 'Training providers' includes agencies and institutions of secondary education, vocational technical institutes, community colleges, higher education, adult education, vocational education, apprenticeship programs, and private and public nonprofit organizations that are representative of communities or significant segments of communities and provide job training services.
- (8) 'Eligible participant' means a person who, prior to beginning training pursuant to this chapter, was:
 - (a) Unemployed and claiming unemployment insurance benefits;
 - (b) An individual who had exhausted eligibility for unemployment insurance benefits within the previous twenty-four months;
 - (c) Employed, but had been determined by the department to be likely to be displaced and therefore claim unemployment insurance benefits subsequent to notice given under the federal worker adjustment and retraining notification act, P.L. 100-379, 102 Stat. 890, or any state law requiring advance notification of workplace closures or mass layoffs or after voluntary notice by an employer of likely displacement not to exceed one hundred twenty days in advance of such displacement; or
 - (d) A displaced homemaker as defined in RCW 28B.04.030. Displaced homemakers shall constitute no less than two percent of program participants.

NEW SECTION, Sec. 3. There is hereby created the Washington state job training coordination council. The state council is designed to promote a program of comprehensive and coordinated job training planning in Washington in accordance with the federal job training partnership act, P.L. 97-300. Members of the council shall be appointed in accordance with the

provisions of the federal job training partnership act. The council shall develop a plan on a biennial basis describing in detail the programs and activities that will be assisted with funds provided under the federal job training partnership act. The state council shall not operate programs or provide services directly to eligible participants, but shall exist solely to plan, coordinate, and monitor the provision of such programs and services.

NEW SECTION. Sec. 4. (1) There is created the Washington employment futures program.

(2) The program shall include:

- (a) The provision of training and related services; and
- (b) Evaluation of the effectiveness of the program.

NEW SECTION. Sec. 5. (1) There is created the Washington council on employment futures. The council shall consist of six voting members, seven nonvoting members, and a nonvoting chairperson. The governor shall appoint the members of the council. Three of the voting members shall be representatives of business, at least one of whom shall be from east of the Cascades, and three of the voting members shall be representatives of labor, at least one of whom shall be from east of the Cascades. Three of the nonvoting members shall be the state superintendent of public instruction, the executive director of the state board for vocational education, and the executive director of the state board for community college education. Four legislators shall serve as nonvoting members. The president of the senate shall appoint a senator from each of the major caucuses to serve on the council, and the speaker of the house of representatives shall appoint a representative from each of the major caucuses to serve on the council. The commissioner of employment security shall serve as the nonvoting chairperson of the council. At least two of the labor representatives shall be selected from a list of not less than five names, submitted to the governor by a state-wide organization, which through its affiliates embraces a cross section and a majority of organized labor in the state. At least two of the business representatives shall be selected from a list of not less than five names, submitted to the governor by a recognized state-wide organization of employers, which represents a majority of employers in the state.

(2) The council shall be responsible for the overall administration of the program. The council shall meet as necessary to carry out the purposes of this chapter, and council members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Each voting member of the council shall be compensated in accordance with RCW 43.03.240.

(3) The department shall provide staff to the council as necessary to carry out the purposes of this chapter.

(4) No more than fifteen percent of the total program appropriation shall be used for administration by the council, the department, or any regional review panels established by the council. Administrative costs may include costs for linkage between eligible participants and the program.

NEW SECTION. Sec. 6. Contract proposals for training shall be submitted to the council for approval. Proposals shall not be approved except by a majority of the voting members of the council. The council may establish regional review panels to review and recommend proposals to the council for final approval. Contracts shall not be subject to bid requirements. Proposal specifications shall be developed by the council and established by rule.

(1) The council may agree to contracts for training with any one or more of the following:

- (a) A provider of training services;
- (b) An employer submitting a proposal jointly with one or more eligible training providers or private industry councils;
- (c) An organization representing employees submitting a proposal jointly with one or more eligible training providers or private industry councils; or
- (d) A private industry council authorized under the federal job training partnership act, P.L. 97-300.

(2) Proposals for training under the program shall demonstrate the provider's past success in training and job placement, and must demonstrate the employment demand for the proposed trainees.

(3) Training providers under the program shall be reimbursed for the full cost of training, except indirect costs shall be limited to no more than ten percent of the total, and twenty-five percent of the cost of training shall not be paid to the provider until the trainee is placed and employed in a job for a period of at least ninety days.

(4) Contracts may include the cost of facilitating the applications of small businesses and groups of small businesses as part of the cost of providing training.

NEW SECTION. Sec. 7. The delivery of program services shall be accomplished through the existing education and training system. Services delivered through the program shall include:

- (1) Vocational training to provide workers with skills required in the labor market;
- (2) Upgrading skills in areas that are necessary to keep pace with technology and the global economy;
- (3) Workplace literacy training, including English as a second language, and training to improve math, reading, and computational skills for workers who need advanced skills because of technological changes in the marketplace;

(4) Other training that assists workers and employers in supporting economic development in the state; and

(5) Support services approved by the council.

NEW SECTION. Sec. 8. (1) The council shall only approve proposals for training that facilitate the employment of participants in jobs with definite career potential and long-term job security for which an adequate force of workers does not already exist. At least seventy-five percent of the funds for training under the program shall be expended for training that is linked to specific job openings.

(2) The council may develop minimum standards for length of training, wage levels of jobs for which training shall be provided, and costs per trainee. No proposal shall be considered that proposes training for employment covered by a collective bargaining agreement unless the signatory labor organization agrees in writing.

(3) The council shall give priority to proposals for training:

(a) In areas of critical skill shortages;

(b) For jobs in businesses that would likely fail were it not for the provision of the training;

(c) For jobs in businesses that are either newly locating in the state or expanding employment in the state; and

(d) For jobs in distressed areas of the state.

NEW SECTION. Sec. 9. Proposals developed pursuant to this chapter shall not replace, supplant, compete with, or duplicate in any way already existing education or training programs.

NEW SECTION. Sec. 10. Evaluation is an integral part of the Washington employment futures program and shall give useful, policy-relevant information about the effectiveness of program strategies and training provided in the program.

(1) Evaluation of the program shall be performed by the department in conjunction with a research organization with expertise in program analysis selected by the office of financial management. The role of the research organization shall be limited to assisting the department in setting evaluation parameters and verifying the department's analysis of the data. The evaluation shall have three major components:

(a) An analysis of program implementation and operation with a focus on the linkages among the organizations providing services;

(b) An analysis to show the impact of the different services on program participants and short-term and long-term benefits to employers, including comparisons with control groups of similar make-up not engaged in the program; and

(c) An analysis of the effect of program participation and operation on the unemployment compensation fund.

(2) The department shall develop and test an integrated state-wide education, training, and employment tracking system by following the postprogram employment history of program participants. The system shall:

(a) Identify all employers since training for each former program participant and his or her rates of compensation; and

(b) Determine whether the former program participant's employment is related to prior education or training.

(3) All providers participating in the program shall provide enrollment and completion data on program participants by social security number to facilitate the matching necessary for identification, tracking, and accountability.

(4) All employers participating in the program or hiring program trainees shall supply the department with the occupational title of the participants.

(5) An interim report shall be prepared by January 1, 1990. Yearly evaluations shall be prepared by January 1, 1991, and January 1, 1992. A detailed evaluation report shall be prepared by January 1, 1993. That evaluation shall contain recommendations about continuation of the program.

NEW SECTION. Sec. 11. A new section is added to chapter 50.16 RCW to read as follows:

The employment futures fund is established to be administered by the commissioner as a separate and identifiable fund. The employment futures fund shall consist of contributions paid under section 12 of this act, public and private grants for the purposes of chapter 50.— RCW (sections 1 through 10 of this act), and other funds provided for the employment futures program. Money in the employment futures fund may be expended only for the purposes of chapter 50.— RCW (sections 1 through 10 of this act) and money from contributions paid under section 12 of this act must be appropriated.

NEW SECTION. Sec. 12. A new section is added to chapter 50.24 RCW to read as follows:

(1) Beginning January 1, 1989, contributions to the employment futures fund established in section 11 of this act shall accrue and become payable by each employer, except employers as described in RCW 50.04.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at the rate of six one-hundredths of one percent.

(2) The amount of wages subject to tax shall be determined under RCW 50.24.010.

(3) Contributions under this section shall become due and be paid by each employer pursuant to rules prescribed by the commissioner and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

(4) In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

NEW SECTION. Sec. 13. A new section is added to chapter 50.29 RCW to read as follows:

Tax rates for rate classes 1 through 19, described in RCW 50.29.025, shall be reduced by six one-hundredths of one percent for rate years 1989 through 1993.

NEW SECTION. Sec. 14. If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. Sections 1 through 10 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION. Sec. 17. The sum of twenty-one million one hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the employment futures fund to the employment security department for the biennium ending June 30, 1991, to carry out the purposes of this act. In no fiscal year shall funds expended for the program exceed eleven million dollars.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 19. A new section is added to chapter 43.131 RCW to read as follows:

The Washington employment futures program shall be terminated on June 30, 1993, as provided in section 20 of this act.

NEW SECTION. Sec. 20. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1994:

- (1) Section 1, chapter ---, Laws of 1989 and RCW 50.--- (section 1 of this act);
- (2) Section 2, chapter ---, Laws of 1989 and RCW 50.--- (section 2 of this act);
- (3) Section 3, chapter ---, Laws of 1989 and RCW 50.--- (section 3 of this act);
- (4) Section 4, chapter ---, Laws of 1989 and RCW 50.--- (section 4 of this act);
- (5) Section 5, chapter ---, Laws of 1989 and RCW 50.--- (section 5 of this act);
- (6) Section 6, chapter ---, Laws of 1989 and RCW 50.--- (section 6 of this act);
- (7) Section 7, chapter ---, Laws of 1989 and RCW 50.--- (section 7 of this act);
- (8) Section 8, chapter ---, Laws of 1989 and RCW 50.--- (section 8 of this act);
- (9) Section 9, chapter ---, Laws of 1989 and RCW 50.--- (section 9 of this act);
- (10) Section 10, chapter ---, Laws of 1989 and RCW 50.--- (section 10 of this act);
- (11) Section 11, chapter ---, Laws of 1989 and RCW 50.16.--- (section 11 of this act);
- (12) Section 12, chapter ---, Laws of 1989 and RCW 50.24.--- (section 12 of this act); and
- (13) Section 13, chapter ---, Laws of 1989 and RCW 50.29.--- (section 13 of this act)."

On page 1, line 1 of the title, after "planning;" strike the remainder of the title and insert "adding a new chapter to Title 50 RCW; adding a new section to chapter 50.16 RCW; adding a new section to chapter 50.24 RCW; adding a new section to chapter 50.29 RCW; adding new sections to chapter 43.131 RCW; creating a new section; making an appropriation; and declaring an emergency."

Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; Kremen, Moyer, Rasmussen, Raiter, Rector, Schoon, Tate, Walk and Youngsman.

Absent: Representatives G. Fisher and Raiter.

Referred to Committee on Appropriations.

March 30, 1989

SSB 5443

Prime Sponsor, Committee on Transportation: Making various policy changes in vehicle laws. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 231, Laws of 1971 ex. sess. as amended by section 1, chapter 22, Laws of 1977 ex. sess. and RCW 46.04.302 are each amended to read as follows:

'Mobile home' or 'manufactured home' means a structure, originally constructed to be transportable in one or more sections, ((which)) that is ((thirty-two body feet or more in length and is eight body feet or more in width, and which is)) built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities((and includes the)) that include plumbing, heating, ((air-conditioning;)) and electrical systems contained therein((except as hereinafter specifically excluded, and excluding modular homes)). The structure must comply with the national Mobile Home Construction and Safety Standards Act of 1974 as adopted in chapter 43.22 RCW, if applicable. For purposes of titling and registration, a structure that met this definition when constructed continues to be a manufactured home notwithstanding that it is no longer transportable when affixed to land.

NEW SECTION. Sec. 2. A new section is added to chapter 46.04 RCW to read as follows:

'Park trailer' or 'park model trailer' means a travel trailer designed to be used with temporary connections to utilities necessary for operation of installed fixtures and appliances. The trailer's gross area shall not exceed four hundred square feet when in the setup mode. 'Park trailer' excludes a mobile home.

NEW SECTION. Sec. 3. A new section is added to chapter 46.04 RCW to read as follows:

'Travel trailer' means a trailer built on a single chassis transportable upon the public streets and highways that is designed to be used as a temporary dwelling without a permanent foundation and may be used without being connected to utilities.

Sec. 4. Section 14, chapter 231, Laws of 1971 ex. sess. as last amended by section 2, chapter 304, Laws of 1981 and RCW 46.12.290 are each amended to read as follows:

The provisions of chapter 46.12 RCW insofar as they are not inconsistent with the provisions of ((this 1971 amendatory act shall)) chapter 231, Laws of 1971 ex. sess. apply to mobile homes regulated by ((this 1971 amendatory act)) chapter 231, Laws of 1971 ex. sess.: PROVIDED, That RCW 46.12.080 and 46.12.250 through 46.12.270 shall not apply to mobile homes((PROVIDED FURTHER, That)). In order to lawfully transfer ownership ((of)) or add a secured party to a ((community)) mobile home, ((both spouses)) all registered owners of record must sign the title certificate. ((in addition,)) the director of licensing shall have the power to adopt such rules ((and regulations)) as ((he deems)) necessary to implement the provisions of this chapter ((46.12 RCW as they relate)) relating to mobile homes.

Sec. 5. Section 1, chapter 215, Laws of 1982 and RCW 46.12.370 are each amended to read as follows:

In addition to any other authority which it may have, the department of licensing may furnish lists of registered and legal owners of motor vehicles only for the purposes specified in this section to:

(1) The manufacturers of motor vehicles, or their authorized agents, to be used to enable those manufacturers to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. sec. 1382-1418), including amendments or additions thereto, respecting safety-related defects in motor vehicles;

(2) Any governmental agency of the United States or Canada, or political subdivisions thereof, to be used by it or by its authorized commercial agents or contractors only in connection with the enforcement of motor vehicle or traffic laws by, or programs related to traffic safety of, that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor; ((or))

(3) Any business regularly making loans to other persons to finance the purchase of motor vehicles, to be used to assist the person requesting the list to determine ownership of specific vehicles for the purpose of determining whether or not to provide such financing; or

(4) Business enterprises for commercial purposes at such cost and for such purposes as the department deems appropriate.

In the event a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in subsections (1), (2) ((and)), (3), and (4) of this section, the manufacturer, governmental agency, financial institution, business enterprise, or their authorized agents or contractors responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing.

Sec. 6. Section 18, chapter 121, Laws of 1965 ex. sess. as amended by section 13, chapter 170, Laws of 1969 ex. sess. and RCW 46.20.205 are each amended to read as follows:

Whenever any person after applying for or receiving a driver's license ((shall)) or identificard moves from the address named in ((such)) the application or in the license or identificard issued to him or her or when the name of a licensee or holder of an identificard is changed by marriage or otherwise ((such)), the person shall within ten days thereafter notify the department in writing on a form provided by the department of his or her old and new addresses or of such former and new names and of the number of any license then held by him or her. The written notification is the exclusive means by which the address of record maintained by the

department concerning the licensee or identicard holder may be changed. Any notice regarding the cancellation, suspension, revocation, probation, or nonrenewal of the driver's license, driving privilege, or identicard mailed to the address of record of the licensee or identicard holder is effective notwithstanding the licensee's or identicard holder's failure to receive the notice.

Sec. 7. Section 46.20.300, chapter 12, Laws of 1961 as last amended by section 150, chapter 158, Laws of 1979 and RCW 46.20.300 are each amended to read as follows:

The director of licensing (~~may~~) shall suspend, revoke, or cancel the vehicle driver's license of any resident of this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be ground for the suspension or revocation of the vehicle driver's license. The director may further, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a certified copy of such record to the motor vehicle administrator in the state of which the person so convicted is a resident; such record to consist of a copy of the judgment and sentence in the case.

Sec. 8. Section 1, chapter 22, Laws of 1987 and RCW 46.20.308 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. However, in those instances where: (a) The person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample; or (b) as a result of a traffic accident the person is being treated for a medical condition in a hospital, clinic, doctor's office, or other similar facility in which a breath testing instrument is not present, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that (a) his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test, and (b) that his or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) The department of licensing, upon the receipt of a sworn report of the law enforcement officer that ~~(he)~~ the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor and that the person had refused to submit to the test or tests upon the request of the law enforcement officer after being informed that refusal would result in the revocation of ~~(his)~~ the person's privilege to drive, shall revoke ~~(his)~~ the person's license or permit to drive or any nonresident operating privilege.

(7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by certified mail of its decision and the grounds therefor, and of ~~(his)~~ the person's right to a hearing, specifying the steps he or she must take to obtain a hearing. Within ~~(ten)~~ fifteen days after ~~(receiving such)~~ the notice has been given, the person may, in writing, request a formal hearing. Upon receipt of such request, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the scope of such

hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether ~~((he))~~ the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of ~~((his))~~ the person's privilege to drive. The department shall order that the revocation either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.

(8) If the revocation is sustained after such a hearing, the person whose license, privilege, or permit is revoked has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the manner provided in RCW 46.20.334.

(9) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec. 9. Section 3, chapter 77, Laws of 1982 as last amended by section 9, chapter 1, Laws of 1985 ex. sess. and RCW 46.20.510 are each amended to read as follows:

(1) There shall be three categories for the special motorcycle endorsement of a driver's license. Category one shall be for motorcycles or motor-driven cycles having an engine displacement of one hundred fifty cubic centimeters or less. Category two shall be for motorcycles having an engine displacement of five hundred cubic centimeters or less. Category three shall include categories one and two, and shall be for motorcycles having an engine displacement of five hundred one cubic centimeters or more.

(2) ~~((A motorcycle endorsement issued prior to June 10, 1982, is deemed to be for category three. Thereafter, a person first seeking a motorcycle endorsement or a person seeking an endorsement to operate a motorcycle with an engine displacement of a higher category than the one covered by his or her existing endorsement, shall obtain an endorsement for the appropriate category pursuant to RCW 46.20.505 through 46.20.515.~~

~~((3))~~ The department may issue a motorcyclist's instruction permit to an individual who wishes to learn to ride a motorcycle or obtain an endorsement of a larger endorsement category for a period not to exceed ninety days. This motorcyclist's instruction permit may be renewed for an additional ninety days. The director shall collect a two dollar and fifty cent fee for the motorcyclist's instruction permit or renewal, and the fee shall be deposited in the motorcycle safety education account of the highway safety fund. This permit and a valid driver's license with current endorsement, if any, shall be carried when operating a motorcycle. An individual with a motorcyclist's instruction permit may not carry passengers, may not operate a motorcycle during the hours of darkness or on a fully-controlled, limited-access facility, and shall be under the direct visual supervision of a person with a motorcycle endorsement of the appropriate category and at least five years' riding experience.

Sec. 10. Section 5, chapter 62, Laws of 1979 and RCW 46.65.065 are each amended to read as follows:

(1) Whenever a person's driving record, as maintained by the department, brings him or her within the definition of an habitual traffic offender, as defined in RCW 46.65.020, the department shall forthwith notify ~~((such))~~ the person of the revocation in writing by certified mail at his or her address of record as maintained by the department. If ~~((such))~~ the person is a nonresident of this state, notice shall be sent to ~~((such))~~ the person's last known address. Notices of revocation shall inform the recipient thereof of his or her right to a formal hearing and specify the steps which must be taken in order to obtain a hearing. ~~((The person upon receiving such))~~ Within fifteen days after the notice has been given, the person may, in writing ((and within ten days therefrom)), request a formal hearing((-PROVIDED, That)). If such a request is not made within the prescribed time the right to a hearing ~~((shall be deemed to have been))~~ is waived((-PROVIDED FURTHER, That)). A request for a hearing ~~((shall))~~ stays the effectiveness of the revocation.

(2) Upon receipt of a request for a hearing, the department shall schedule a hearing in the county in which the person making the request resides, and if ~~((such))~~ the person is a nonresident of this state, the hearing shall be held in Thurston county. The department shall give at least ten days notice of the hearing to ~~((such))~~ the person.

(3) The scope of the hearings provided by this section ~~((shall be))~~ is limited to the issues of whether the certified transcripts or abstracts of the convictions, as maintained by the department, show that the requisite number of violations have been accumulated within the prescribed period of time as set forth in RCW 46.65.020 ~~((as now or hereafter amended))~~ and ~~((:))~~ whether the terms and conditions for granting stays, as provided in RCW 46.65.060 ~~((as now or hereafter amended)),~~ have been met.

(4) Upon receipt of the hearing officer's decision, an aggrieved party (~~(shall have the right to)~~) may appeal to the superior court of the county (~~((wherein))~~) in which he or she resides, or, in the case of a nonresident of this state, in the superior court of Thurston county, for review of the revocation. Notice of appeal must be filed within thirty days after receipt of the hearing officer's decision or the right to appeal (~~((shall be deemed to have been))~~) is waived. Review by the court shall be de novo and without a jury.

(5) The filing of a notice of appeal (~~((shall))~~) does not stay the effective date of the revocation.

Sec. 11. Section 3, chapter 11, Laws of 1979 as last amended by section 1, chapter 287, Laws of 1988 and RCW 46.70.011 are each amended to read as follows:

As used in this chapter:

(1) 'Vehicle' means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) 'Motor vehicle' means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.

(3) 'Vehicle dealer' means any person, firm, association, corporation, or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles, or arranging or offering or attempting to solicit or negotiate on behalf of others, a sale, purchase, or exchange of an interest in new or used motor vehicles, irrespective of whether the motor vehicles are owned by that person. Vehicle dealers shall be classified as follows:

(a) A 'motor vehicle dealer' is a vehicle dealer that deals in new or used motor vehicles, or both;

(b) A 'mobile home and travel trailer dealer' is a vehicle dealer that deals in mobile homes, park trailers, or travel trailers, or ~~((both))~~ more than one type of these vehicles;

(c) A 'miscellaneous vehicle dealer' is a vehicle dealer that deals in motorcycles or vehicles other than motor vehicles or mobile homes and travel trailers or any combination of such vehicles.

(4) The term 'vehicle dealer' does not include, nor do the licensing requirements of RCW 46.70.021 apply to, the following persons, firms, associations, or corporations:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of, any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which he is the registered or legal owner, or both, thereof; or

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, subject to registration, used for agricultural or industrial purposes; or

(f) A real estate broker licensed under chapter 18.85 RCW, or his authorized representative, who, on behalf of the legal or registered owner of a used mobile home negotiates the purchase, sale, or exchange of the used mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the used mobile home is located and the real estate broker is not acting as an agent, subagent, or representative of a vehicle dealer licensed under this chapter; or

(g) Owners who are also operators of the special highway construction equipment or of the highway construction equipment for which a vehicle license and display vehicle license number plate is required as defined in RCW 46.16.010; or

(h) Any bank, trust company, savings bank, mutual savings bank, savings and loan association, credit union, and any parent, subsidiary, or affiliate thereof, authorized to do business in this state under state or federal law with respect to the sale or other disposition of a motor vehicle owned and used in their business; or with respect to the acquisition and sale or other disposition of a motor vehicle in which the entity has acquired an interest as a lessor, lessee, or secured party.

(5) 'Vehicle salesperson' means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(6) 'Department' means the department of licensing, which shall administer and enforce the provisions of this chapter.

(7) 'Director' means the director of licensing.

(8) 'Manufacturer' means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles in whole or in part and further includes the terms:

(a) 'Distributor,' which means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) 'Factory branch,' which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler, or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and further includes any sales promotion organization, whether a person, firm, or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) 'Factory representative,' which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of their vehicles or for supervising or contracting with their dealers or prospective dealers.

(9) 'Established place of business' means a location meeting the requirements of RCW 46.70.023(1) at which a vehicle dealer conducts business in this state.

(10) 'Principal place of business' means that dealer firm's business location in the state, which place the dealer designates as their principal place of business.

(11) 'Subagency' means any place of business of a vehicle dealer within the state, which place is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the state, at which place the firm does business using a name other than the principal name of the firm, or both.

(12) 'Temporary subagency' means a location other than the principal place of business or subagency within the state where a licensed vehicle dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten days for a specific purpose such as auto shows, ~~((auctions;))~~ shopping center promotions, tent sales, exhibitions, or similar merchandising ventures. No more than six temporary subagency licenses may be issued to a licensee in any twelve-month period.

(13) 'Wholesale vehicle dealer' means a vehicle dealer who ~~((sells to Washington dealers))~~ buys and sells other than at retail.

(14) 'Retail vehicle dealer' means a vehicle dealer who ~~((sells vehicles to the public))~~ may buy and sell at both wholesale and retail.

(15) 'Listing dealer' means a used mobile home dealer who makes contracts with sellers who will compensate the dealer for obtaining a willing purchaser for the seller's mobile home.

Sec. 12. Section 5, chapter 241, Laws of 1986 and RCW 46.70.027 are each amended to read as follows:

A vehicle dealer is accountable for the dealer's employees, sales personnel, and managerial personnel while in the performance of their official duties. Any violations of this chapter or applicable provisions of chapter 46.12 or 46.16 RCW committed by any of these employees subjects the dealer to license penalties prescribed under RCW 46.70.101. A retail purchaser, consignee, or motor vehicle dealer, or a motor vehicle dealer who has purchased from a wholesale dealer, who has suffered a loss or damage by reason of ~~((a breach of warranty or by))~~ any act by a dealer, salesperson, managerial person, or other employee of a dealership, that constitutes a violation of this chapter or applicable provisions of chapter 46.12 or 46.16 RCW may institute an action for recovery against the dealer and the surety bond as set forth in RCW 46.70.070. However, under this section, motor vehicle dealers who have purchased from wholesale dealers may only institute actions against wholesale dealers and their surety bonds.

NEW SECTION. Sec. 13. A new section is added to chapter 46.70 RCW to read as follows:

Dealers who transact dealer business by consignment shall obtain a consignment contract for sale and shall comply with applicable provisions of chapter 46.70 RCW. The dealer shall place all funds received from the sale of the consigned vehicle in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the vehicle from these funds. Where title has been delivered to the purchaser, the dealer shall pay the amount due a consignee within ten days after the sale.

NEW SECTION. Sec. 14. A new section is added to chapter 46.70 RCW to read as follows:

(1) In addition to other powers granted, the director or the director's designee may enforce RCW 46.70.021 through the issuance of criminal citations. The sole duty of law enforcement agencies under this section is to make arrests. All enforcement actions under this section shall be prosecuted by the county prosecutor in the county in which the violation occurred.

(2) Any liability or claim that arises from the exercise or alleged exercise of authority under subsection (1) of this section rests with the department unless the director or the director's designee acts under the direction and control of another agency or unless the liability is otherwise assumed under a written agreement between the department of licensing and another agency.

Sec. 15. Section 46.70.070, chapter 12, Laws of 1961 as last amended by section 11, chapter 241, Laws of 1986 and RCW 46.70.070 are each amended to read as follows:

(1) Before issuing a vehicle dealer's license, the department shall require the applicant to file with the department a surety bond in the amount of:

(a) Fifteen thousand dollars for motor vehicle dealers;

(b) Thirty thousand dollars for mobile home, park trailer, and travel trailer dealers: PROVIDED, That if such dealer does not deal in mobile homes or park trailers such bond shall be fifteen thousand dollars;

(c) Five thousand dollars for miscellaneous dealers,

running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter(;

~~(d) Wholesale dealers shall not be required to file a surety bond with the department).~~

Any retail purchaser, consignor who is not a motor vehicle dealer, or a motor vehicle dealer who has purchased from a wholesale dealer, who ((shall have)) has suffered any loss or damage by reason of ((breach of warranty or by)) any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. However, under this section, motor vehicle dealers who have purchased from wholesale dealers may only institute actions against wholesale dealers and their surety bonds. Successive recoveries against said bond shall be permitted, but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the vehicle dealer license shall automatically be deemed canceled.

(2) The bond for any vehicle dealer licensed or to be licensed under more than one classification shall be the highest bond required for any such classification.

(3) Vehicle dealers shall maintain a bond for each business location in this state and bond coverage for all temporary subagencies.

Sec. 16. Section 11, chapter 74, Laws of 1967 ex. sess. as last amended by section 13, chapter 241, Laws of 1986 and RCW 46.70.101 are each amended to read as follows:

The director may by order deny, suspend, or revoke the license of any vehicle dealer or vehicle manufacturer or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if the director finds that the order is in the public interest and that the applicant or licensee:

(1) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled or which license was assessed a civil penalty and the assessed amount has not been paid;

(ii) Has been adjudged guilty of a crime which directly relates to the business of a vehicle dealer and the time elapsed since the adjudication is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, adjudged guilty shall mean in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended;

(iii) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department;

(iv) Does not have an established place of business as required in this chapter;

(v) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records, and files maintained within this state;

(vi) Sells, exchanges, offers, brokers, auctions, solicits, or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid, written service agreement as required by this chapter, or having such agreement refuses to honor the terms of such agreement within a reasonable time or repudiates the same;

(vii) Is insolvent, either in the sense that their liabilities exceed their assets, or in the sense that they cannot meet their obligations as they mature;

(viii) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;

(ix) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183;

(x) Knowingly, or with reason to know, allows a salesperson employed by the dealer, or acting as their agent, to commit any of the prohibited practices set forth in subsection (1)(a) of this section and RCW 46.70.180.

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent:

(i) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(ii) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale or transfer of a vehicle;

(iii) Has forged the signature of the registered or legal owner on a certificate of title;

(iv) Has purchased, sold, disposed of, or has in his or her possession any vehicle which he or she knows or has reason to know has been stolen or appropriated without the consent of the owner;

(v) Has willfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates or manufacturer license plates;

(vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(viii) Has engaged in practices inimical to the health or safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction or safety of vehicles;

(ix) Has aided or assisted an unlicensed dealer or salesperson in unlawful activity through active or passive participation in sales, allowing use of facilities, dealer license number, or by any other means; ~~((or))~~

(x) Converts or appropriates, whether temporarily or permanently, property or funds belonging to a customer, dealer, or manufacturer, without the consent of the owner of the property or funds; or

(xi) Has sold any vehicle with knowledge that it has 'REBUILT' on the title or has been declared totaled out by an insurance carrier and then rebuilt without clearly disclosing that fact in writing;

(c) The licensee or any partner, officer, director, or owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.

(2) In the case of a manufacturer, or any partner, officer, director, or majority shareholder:

(a) Was or is the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(b) Has knowingly or with reason to know, made a false statement of a material fact in his application for license, or any data attached thereto, or in any matter under investigation by the department;

(c) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(d) Has defrauded or attempted to defraud the state or a political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;

(e) Has purchased, sold, disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(h) Sells or distributes in this state or transfers into this state for resale, any new or unused vehicle to which a warranty attaches or has attached and refuses to honor the terms of such warranty within a reasonable time or repudiates the same;

(i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington who in good faith incurs reasonable obligations in giving effect to warranties that attach or have attached to any new or unused vehicle sold or distributed in this state or transferred into this state for resale by any such manufacturer;

(k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles;

(l) Is insolvent either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature;

(m) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183.

Sec. 17. Section 46.80.110, chapter 12, Laws of 1961 as last amended by section 9, chapter 253, Laws of 1977 ex. sess. and RCW 46.80.110 are each amended to read as follows:

The director or a designee may, pursuant to the provisions of chapter ~~((34.04))~~ 34.05 RCW, by order deny, suspend, or revoke the license of any motor vehicle wrecker, or assess a civil fine of up to five hundred dollars for each violation, if ~~((he))~~ the director finds that the applicant or licensee has:

(1) Acquired a vehicle or major component part other than by first obtaining title or other documentation as provided by this chapter;

(2) Willfully misrepresented the physical condition of any motor or integral part of a motor vehicle;

(3) Sold, had in his possession, or disposed of a motor vehicle or trailer or any part thereof when he knows that such vehicle or part has been stolen, or appropriated without the consent of the owner;

(4) Sold, bought, received, concealed, had in his possession, or disposed of a motor vehicle or trailer or part thereof having a missing, defaced, altered, or covered manufacturer's identification number, unless approved by a law enforcement officer;

(5) Committed forgery or misstated a material fact on any title, registration, or other document covering a vehicle that has been reassembled from parts obtained from the disassembling of other vehicles;

(6) Committed any dishonest act or omission which the director has reason to believe has caused loss or serious inconvenience as a result of a sale of a motor vehicle, trailer, or part thereof;

(7) Failed to comply with any of the provisions of this chapter (~~as now or hereafter amended~~;) or with any of the rules (~~and regulations~~) adopted (~~thereunder~~) under it, or with any of the provisions of Title 46 RCW relating to registration and certificates of title of vehicles;

(8) Procured a license fraudulently or dishonestly or that such license was erroneously issued;

(9) Been convicted of a crime that directly relates to the business of a vehicle wrecker and the time elapsed since conviction is less than ten years, or suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, conviction means in addition to a final conviction in either a federal, state, or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended.

Sec. 18. Section 5, chapter 51, Laws of 1979 ex. sess. as amended by section 2, chapter 80, Laws of 1986 and RCW 46.82.320 are each amended to read as follows:

(1) No person, including the owner, operator, partner, officer, or stockholder of a driver training school shall give instruction in the operation of an automobile for a fee without a license issued by the director for that purpose. An application for an instructor's license shall be filed with the director, containing such information as prescribed by the director, accompanied by an application fee of twenty-five dollars which shall in no event be refunded. If the application is approved by the director and the applicant satisfactorily meets the examination requirements as prescribed in RCW 46.82.330, the applicant shall be granted a license valid for a period of one year from the date of issuance. An instructor shall take a requalification examination every five years.

(2) The annual fee for renewal of an instructor's license shall be five dollars. The director shall issue a license certificate to each licensee which shall be conspicuously displayed in the place of business of the employing driver training school. Unless revoked, canceled, or denied by the director, the license shall remain the property of the licensee in the event of termination of employment or employment by another driver training school. If a renewal application has not been received by the director within sixty days from the date a notice of license expiration was mailed to the licensee, the license will be voided requiring a new application as provided for in this chapter, including examination and payment of all fees.

(3) Persons who qualify under the rules jointly adopted by the superintendent of public instruction and the director of licensing to teach only the laboratory phase, shall be subject to a ten dollar examination fee.

(4) Each licensee shall be provided with a wallet-size identification card by the director at the time the license is issued which shall be carried on the instructor's person at all times while engaged in instructing.

(5) The person to whom an instructor's license has been issued shall notify the director in writing within thirty days of any change of employment or termination of employment, providing the name and address of the new driver training school by whom the instructor will be employed.

Sec. 19. Section 9, chapter 51, Laws of 1979 ex. sess. and RCW 46.82.360 are each amended to read as follows:

The license of any driver training school or instructor may be suspended, revoked, denied, or refused renewal for failure to comply with the business practices specified in this section.

(1) No place of business shall be established nor any business of a driver training school conducted or solicited within one thousand feet of an office or building owned or leased by the department of licensing in which examinations for drivers' licenses are conducted. The distance of one thousand feet shall be measured along the public streets by the nearest route from the place of business to such building.

(2) Any (~~motor vehicle~~) automobile used by a driver training school or an instructor for instruction purposes must be equipped with:

(a) Dual controls for foot brake and clutch, or foot brake only in a vehicle equipped with an automatic transmission;

(b) An instructor's rear view mirror; and

(c) A sign displayed on the back (~~(and/or)~~) or top, or both, of the vehicle not less than twenty inches in horizontal width or less than ten inches in vertical height and having the words 'student driver' or 'instruction car(?)', or both, in legible, printed, English letters at least two and one-half inches in height near the top and the name of the school in similarly legible letters not less than one inch in height placed somewhere below the aforementioned words, and the street number and name and the telephone number in similarly legible letters at least one inch in height placed next below the name of the school. The lettering and background colors shall be of contrasting shades so as to be clearly readable at one hundred feet in clear daylight. The sign shall be displayed at all times when instruction is being given.

(3) Instruction may not be given by an instructor to a student in an automobile unless the student possesses a current and valid instruction permit issued pursuant to RCW 46.20.055 or a current and valid driver's license.

(4) No driver training school or instructor shall advertise or otherwise indicate that the issuance of a driver's license is guaranteed or assured as a result of the course of instruction offered.

(5) No driver training school or instructor shall utilize any types of advertising without using the full, legal name of the school and identifying itself as a driver training school. Items and services advertised must be available in a manner as might be expected by the average person reading the advertisement.

(6) A driver training school shall have an established place of business owned, rented, or leased by the school and regularly occupied and used exclusively for the business of giving driver instruction. The established place of business of a driver training school that applies for an initial license after the effective date of this act, shall be located in a district that is zoned for business or commercial purposes. The established place of business, branch office, or classroom or advertised address of any such driver training school shall not consist of or include a house trailer, residence, tent, temporary stand, temporary address, bus, telephone answering service if such service is the sole means of contacting the driver training school, a room or rooms in a hotel or rooming house or apartment house, or premises occupied by a single or multiple-unit dwelling house. To classify as a branch office or classroom the facility must be within a thirty-five mile radius of the established place of business. Nothing in this subsection may be construed as limiting the authority of local governments to grant conditional use permits or variances from zoning ordinances.

(7) No driver training school or instructor shall conduct any type of instruction or training on a course used by the department of licensing for testing applicants for a Washington driver's license.

(8) Each driver training school shall maintain records on all of its students, including the student's name and address, the starting and ending dates of instruction, the student's instruction permit or driver's license number, the type of training given, and the total number of hours of instruction. Records of past students shall be maintained for five years following the completion of the instruction.

(9) Each driver training school shall, at its established place of business, display, in a place where it can be seen by all clients, a copy of the required minimum curriculum compiled by the driver advisory committee. Copies of the required minimum curriculum are to be provided to driver training schools and instructors by the director.

(10) Driver training schools and instructors shall submit to periodic inspections of their business practices, facilities, records, and insurance by authorized representatives of the director of the department of licensing.

Sec. 20. Section 82.50.010, chapter 15, Laws of 1961 as last amended by section 11, chapter 107, Laws of 1979 and RCW 82.50.010 are each amended to read as follows:

(1) 'Mobile home' means a (~~(structure, transportable in one or more sections, which is thirty-two body feet or more in length and is eight body feet or more in width, and which is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein, except as hereinafter specifically excluded, and excluding modular homes as defined below)~~) mobile home as defined by RCW 46.04.302.

(2) 'Park trailer' means a park trailer as defined by section 2 of this act.

(3) 'Travel trailer' means (~~(all trailers of the type designed to be used upon the public streets and highways which are capable of being used as facilities for human habitation and which are less than thirty-two body feet in length and eight body feet or less in width, except as may be hereinafter specifically excluded)~~) a travel trailer as defined by section 3 of this act.

(4) 'Modular home' means (~~(any factory-built housing designed primarily for residential occupancy by human beings which does not contain a permanent frame and must be mounted on a permanent foundation)~~) a modular home as defined by RCW 46.04.303.

~~(5) 'Camper' means a (structure designed to be mounted upon a motor vehicle which provides facilities for human habitation or for temporary outdoor or recreational lodging and which is five feet or more in overall length and five feet or more in height from its floor to its ceiling when fully extended, but shall not include motor homes as defined in this section) camper as defined by RCW 46.04.085.~~

~~(6) 'Motor home(s)' means a motor (vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation) home as defined by RCW 46.04.305.~~

~~(7) 'Director' means the director of licensing of the state.~~

NEW SECTION, Sec. 21. A study committee is established to develop recommendations regarding a system of driver's license issuance that provides increased security against fraud. The study is to include but not be limited to procedures, potential use of new technologies, equipment, and security provisions. If the committee finds that increased costs must be incurred, then a funding proposal should also be developed.

The committee shall consist of:

(1) Two members from organizations representing business interests in the state and one member representing financial institutions, all to be appointed by the chair of the legislative transportation committee;

(2) The chief of the Washington state patrol or a designee;

(3) The chair of the liquor control board or a designee;

(4) The director of the department of licensing, or a designee, and one additional employee of the department appointed by the director;

(5) Two members of the Washington house of representatives, one from each political party, appointed by the speaker of the house of representatives; and

(6) Two members of the Washington state senate, one from each political party, appointed by the president of the senate.

The committee shall report its findings and recommendations to the house of representatives and senate transportation committees by December 1, 1989. Current departmental policy against issuing driver's licenses over the counter to individuals without adequate photographic identification shall remain in effect, and no contracts on driver's licensing systems may be awarded by the department of licensing until the committee recommendations are reviewed by the legislative transportation committee.

Sec. 22. Section 46.12.020, chapter 12, Laws of 1961 as last amended by section 1, chapter 244, Laws of 1987 and by section 9, chapter 388, Laws of 1987 and RCW 46.12.020 are each reenacted and amended to read as follows:

~~((+)) No vehicle license number plates or certificate of license registration, whether original issues or duplicates, may be issued or furnished by the department unless the applicant, at the same time, makes satisfactory application for a certificate of ownership or presents satisfactory evidence that such a certificate of ownership covering the vehicle has been previously issued.~~

~~((2) Except as otherwise provided in this section, no vehicle license number plates or certificate of license registration, whether original issues or duplicates, and no renewed vehicle license may be issued by the department unless the applicant possesses a valid driver's license. In the case of joint application by more than one person, each applicant shall possess a valid driver's license.~~

~~(3) Subsection (2) of this section applies only to applicants who are individual persons and does not apply to corporations, other businesses, or vehicles proportionally registered under chapter 46.07 RCW.~~

~~(4) Subsection (2) of this section does not apply to any applicant with respect to whom the department determines that:~~

~~(a) The applicant's driver's license is not currently suspended or revoked and the applicant is not in suspended or revoked status;~~

~~(b) The applicant has not been convicted of a violation of RCW 46.20.021, 46.20.342, 46.20.420, or 46.65.090; and~~

~~(c) Circumstances not related to any violation of Title 46 RCW account for the applicant's current lack of a driver's license and the applicant's need to register a vehicle. The applicant shall by affidavit indicate:~~

~~(i) The reason for the applicant's lack of a driver's license;~~

~~(ii) The need the applicant has for registering a vehicle; and~~

~~(iii) That the applicant will not knowingly permit a person without a driver's license to drive any vehicle registered in the applicant's name.~~

~~(5) A knowingly made material misstatement on an affidavit under subsection (4)(c) of this section is a misdemeanor.~~

~~(6) No denial under this section of issuance or of renewal of plates or certificates affects the right of any person to maintain, transfer, or acquire title in any vehicle. Unless the parties to the contract agree otherwise, no such denial affects the rights or obligations of any party to a contract for the purchase, or for the financing of the purchase, of a motor vehicle.)~~

NEW SECTION, Sec. 23. Section 22 of this act shall take effect January 1, 1990."

In line 2 of the title, after "licensing;" strike the remainder of the title and insert "amending RCW 46.04.302, 46.12.290, 46.12.370, 46.20.205, 46.20.300, 46.20.308, 46.20.510, 46.65.065, 46.70.011, 46.70.027, 46.70.070, 46.70.101, 46.80.110, 46.82.320, 46.82.360, and 82.50.010; reenacting and amending RCW 46.12.020; adding new sections to chapter 46.04 RCW; adding new sections to chapter 46.70 RCW; creating a new section; prescribing penalties; and providing an effective date."

Signed by Representatives Walk, Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cantwell, Day, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, R. Meyers, Nelson, Patrick, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representatives Baugher, Vice Chair; Cooper, G. Fisher and Kremen.

Passed to Committee on Rules for second reading.

March 30, 1989

SB 5452 Prime Sponsor, Senator Nelson: Raising vehicle license fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cantwell, R. Fisher, Gallagher, Hankins, Haugen, Jones, R. Meyers, Nelson, Patrick, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representatives Cooper, G. Fisher, Kremen and Prentice.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5474 Prime Sponsor, Committee on Law & Justice: Requiring testing and certification of English language interpreters in court. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is hereby declared to be the policy of this state to secure the rights, constitutional or otherwise, of persons who, because of a non-English-speaking cultural background, are unable to readily understand or communicate in the English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.

It is the intent of the legislature in the passage of this chapter to provide for the use and procedure for the appointment of such interpreters. Nothing in this act abridges the parties' rights or obligations under other statutes or court rules or other law.

NEW SECTION. Sec. 2. As used in this chapter:

(1) 'Non-English-speaking person' means any person involved in a legal proceeding who cannot readily speak or understand the English language, but does not include hearing-impaired persons who are covered under chapter 2.42 RCW.

(2) 'Qualified interpreter' means a person who is able readily to interpret or translate spoken and written English for non-English-speaking persons and to interpret or translate oral or written statements of non-English-speaking persons into spoken English.

(3) 'Legal proceeding' means a proceeding in any court in this state, grand jury hearing, or hearing before an inquiry judge, or before administrative board, commission, agency, or licensing body of the state or any political subdivision thereof.

(4) 'Certified interpreter' means an interpreter who is certified by the office of the administrator for the courts.

(5) 'Appointing authority' means the presiding officer or similar official of any court, department, board, commission, agency, licensing authority, or legislative body of the state or of any political subdivision thereof.

NEW SECTION. Sec. 3. (1) Whenever an interpreter is appointed to assist a non-English-speaking person in a legal proceeding, the appointing authority shall, in the absence of a written waiver by the person, appoint a certified or a qualified interpreter to assist the person throughout the proceedings.

(a) Except as otherwise provided for in (b) of this subsection, the interpreter appointed shall be a qualified interpreter.

(b) Beginning on July 1, 1990, when a non-English-speaking person is a party to a legal proceeding, or is subpoenaed or summoned by an appointing authority or is otherwise compelled by an appointing authority to appear at a legal proceeding, the appointing authority shall use the services of only those language interpreters who have been certified by the office

of the administrator for the courts, unless good cause is found and noted on the record by the appointing authority. For purposes of this act, 'good cause' includes but is not limited to a determination that:

(1) Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services of a certified interpreter are not reasonably available to the appointing authority; or

(2) The current list of certified interpreters maintained by the office of the administrator for the courts does not include an interpreter certified in the language spoken by the non-English-speaking person.

(3) If good cause is found for using an interpreter who is not certified or if a qualified interpreter is appointed, the appointing authority shall make a preliminary determination, on the basis of testimony or stated needs of the non-English-speaking person, that the proposed interpreter is able to interpret accurately all communications to and from such person in that particular proceeding. The appointing authority shall satisfy itself on the record that the proposed interpreter:

(a) Is capable of communicating effectively with the court or agency and the person for whom the interpreter would interpret; and

(b) Has read, understands, and will abide by the code of ethics for language interpreters established by court rules.

NEW SECTION. Sec. 4. (1) Interpreters appointed according to this chapter are entitled to a reasonable fee for their services and shall be reimbursed for actual expenses which are reasonable as provided in this section.

(2) In all legal proceedings in which the non-English-speaking person is a party, or is subpoenaed or summoned by the appointing authority or is otherwise compelled by the appointing authority to appear, including criminal proceedings, grand jury proceedings, coroner's inquests, mental health commitment proceedings, and other legal proceedings initiated by agencies of government, the cost of providing the interpreter shall be borne by the governmental body initiating the legal proceedings.

(3) In other legal proceedings, the cost of providing the interpreter shall be borne by the non-English-speaking person unless such person is indigent according to adopted standards of the body. In such a case the cost shall be an administrative cost of the governmental body under the authority of which the legal proceeding is conducted.

(4) The cost of providing the interpreter is a taxable cost of any proceeding in which costs ordinarily are taxed.

NEW SECTION. Sec. 5. Before beginning to interpret, every interpreter appointed under this chapter shall take an oath affirming that the interpreter will make a true interpretation to the person being examined of all the proceedings in a language which the person understands, and that the interpreter will repeat the statements of the person being examined to the court or agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment.

NEW SECTION. Sec. 6. (1) The right to a qualified interpreter may not be waived except when:

(a) A non-English-speaking person requests a waiver; and

(b) The appointing authority determines on the record that the waiver has been made knowingly, voluntarily, and intelligently.

(2) Waiver of a qualified interpreter may be set aside and an interpreter appointed, in the discretion of the appointing authority, at any time during the proceedings.

NEW SECTION. Sec. 7. (1) Subject to the availability of funds, the office of the administrator for the courts shall establish and administer a comprehensive testing and certification program for language interpreters.

(2) The office of the administrator for the courts shall work cooperatively with community colleges and other private or public educational institutions, and with other public or private organizations to establish a certification preparation curriculum and suitable training programs to ensure the availability of certified interpreters. Training programs shall be made readily available in both eastern and western Washington locations.

(3) The office of the administrator for the courts shall establish and adopt standards of proficiency, written and oral, in English and the language to be interpreted.

(4) The office of the administrator for the courts shall conduct periodic examinations to ensure the availability of certified interpreters. Periodic examinations shall be made readily available in both eastern and western Washington locations.

(5) The office of the administrator for the courts shall compile, maintain, and disseminate a current list of interpreters certified by the office of the administrator for the courts.

(6) The office of the administrator for the courts may charge reasonable fees for testing, training, and certification.

NEW SECTION. Sec. 8. All language interpreters serving in a legal proceeding, whether or not certified or qualified, shall abide by a code of ethics established by supreme court rule.

NEW SECTION. Sec. 9. The office of the administrator for the courts shall create and consult with an advisory committee on certification of interpreters. The committee shall consist of representatives of county prosecutors, public defenders, the bar association, judges, and groups representing non-English-speaking persons. The committee shall advise the office of the administrator for the courts on procedures and standards for the certification of interpreters, and shall determine in what order of priority various groups of non-English-speaking persons are in need of certified interpreters. The committee shall also consider and recommend to the legislature its findings regarding whether the function of certifying interpreters ought to be carried out by an agency other than the administrator for the courts.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act are each added to chapter 2.42 RCW.

Sec. 12. Section 1, chapter 22, Laws of 1973 as amended by section 1, chapter 222, Laws of 1983 and RCW 2.42.010 are each amended to read as follows:

It is hereby declared to be the policy of this state to secure the constitutional rights of deaf persons and of other persons who, because of impairment of hearing or speech, (~~or non-English-speaking cultural background~~) are unable to readily understand or communicate the spoken English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.

It is the intent of the legislature in the passage of this chapter to provide for the appointment of such interpreters.

Sec. 13. Section 2, chapter 22, Laws of 1973 as amended by section 2, chapter 222, Laws of 1983 and RCW 2.42.020 are each amended to read as follows:

As used in this chapter (1) an 'impaired person' is any person involved in a legal proceeding who is deaf or who, because of other hearing or speech defects, (~~or because of non-English-speaking cultural background~~) cannot readily understand or communicate in spoken language (~~or readily speak or understand the English language~~) and who, when involved as a party to a legal proceeding, is unable by reason of such defects to obtain due process of law; (2) a 'qualified interpreter' is one who is able readily to translate spoken (~~and written English~~) language to (~~and for~~) impaired persons and to translate statements of impaired persons into spoken (~~English~~) language; (3) 'legal proceeding' is a proceeding in any court in this state, at grand jury hearings or hearings before an inquiry judge, or before administrative boards, commissions, agencies, or licensing bodies of the state or any political subdivision thereof.

Sec. 14. Section 5, chapter 22, Laws of 1973 as amended by section 20, chapter 389, Laws of 1985 and RCW 2.42.050 are each amended to read as follows:

Every qualified interpreter appointed under this chapter in a judicial or administrative proceeding shall, before beginning to interpret, take an oath that a true interpretation will be made to the person being examined of all the proceedings (~~in a language or~~) in a manner which the person understands, and that the interpreter will repeat the statements of the person being examined to the court or other agency conducting the proceedings, (~~in the English language~~;) to the best of the interpreter's skill and judgment."

On page 1, line 1 of the title, after "proceedings;" strike the remainder of the title and insert "amending RCW 2.42.010, 2.42.020, and 2.42.050; and adding new sections to chapter 2.42 RCW."

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Dorn, Doty, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

Absent: Representative Brough.

Passed to Committee on Rules for second reading.

March 31, 1989

ESB 5478 Prime Sponsor, Senator Amondson: Creating a two-day steelhead punchcard. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 7 after ", or" strike "two" and insert "three-"

On page 1, line 11 after "for a" strike "two" and insert "three-"

On page 1, line 12 after "(B) A" strike "two" and insert "three-"

On page 1, line 13 after "one" strike "two" and insert "three-"

On page 1, line 14 after "obtain a" strike "two" and insert "three-"

On page 1, line 15 after "The" strike "two" and insert "three-"

On page 1, line 18 after "or" strike "two" and insert "three-"

Signed by Representatives R. King, Chair; Morris, Vice Chair; Basich, Bowman, Cole, Smith, Spanel and Vekich.

MINORITY recommendation: Do not pass. Signed by Representative Haugen.

Voting nay: Representatives S. Wilson, Ranking Republican Member; and Haugen.

Absent: Representative Brooks.

Passed to Committee on Rules for second reading.

March 31, 1989

SSB 5479 Prime Sponsor, Committee on Environment & Natural Resources: Establishing two recreational geoduck harvesting areas. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 79.96 RCW to read as follows:

The department of natural resources is hereby directed to establish a recreational geoduck harvesting area. The area shall be withdrawn from the department's commercial harvesting tracts by authority of the commissioner of public lands in the aquatic lands adjacent to the east side of Cooper Point, on Budd Inlet.

NEW SECTION. Sec. 2. A new section is added to chapter 75.25 RCW to read as follows:

A geoduck license is required to take, dig for, or possess geoducks taken for personal use from the geoduck harvesting areas of this state.

NEW SECTION. Sec. 3. A new section is added to chapter 75.25 RCW to read as follows:

(1) The annual fees for geoduck licenses are:

(a) A resident license, two dollars and fifty cents; and

(b) A nonresident license, ten dollars.

(2) Upon application, a resident sixty-five years of age or older or under sixteen years of age shall be issued a geoduck license at no cost. Dealers may collect the dealer's fee established in RCW 75.25.130.

Sec. 4. Section 12, chapter 327, Laws of 1977 ex. sess. as last amended by section 6, chapter 87, Laws of 1987 and RCW 75.25.130 are each amended to read as follows:

All licenses, punchcards, and stamps required by this chapter shall be issued only under authority of the director. The director may authorize license dealers to issue the licenses, punchcards, and stamps and collect the license fees. In addition to the license, punchcard, or stamp fee, dealers may charge a dealer's fee of fifty cents for each Hood Canal shrimp license, two-consecutive-day combined license and punchcard, personal use license, punchcard, geoduck license, and razor clam license. The dealer's fee may be retained by the license dealer.

The director shall adopt rules for the issuance of personal use licenses, Hood Canal shrimp licenses, geoduck licenses, razor clam licenses, stamps, and punchcards and for the collection, payment, and handling of license fees and dealers' fees.

Sec. 5. Section 15, chapter 327, Laws of 1977 ex. sess. as last amended by section 7, chapter 87, Laws of 1987 and RCW 75.25.140 are each amended to read as follows:

(1) Personal use licenses, Hood Canal shrimp licenses, geoduck licenses, razor clam licenses, stamps, and punchcards are not transferable. Upon request of a fisheries patrol officer or ex officio fisheries patrol officer, a person digging for or possessing geoducks or razor clams or fishing for or possessing food fish for personal use shall exhibit the required license and punchcard and write his or her signature for comparison with the signature on the license. Failure to comply with the request is prima facie evidence that the person does not have a license or punchcard or is not the person named on the license or punchcard.

(2) The razor clam license shall be visible on the licensee while digging for razor clams.

Sec. 6. Section 99, chapter 46, Laws of 1983 1st ex. sess. as amended by section 9, chapter 80, Laws of 1984 and RCW 75.25.150 are each amended to read as follows:

It is unlawful to dig for or possess geoducks or razor clams, fish for or possess anadromous salmon, or take or possess shrimp without the licenses required by this chapter.

Sec. 7. Section 16, chapter 327, Laws of 1977 ex. sess. as last amended by section 8, chapter 87, Laws of 1987 and RCW 75.25.160 are each amended to read as follows:

A person who violates a provision of this chapter or who knowingly falsifies information required for the issuance of a Hood Canal shrimp license, personal use license, geoduck license, razor clam license, or punchcard is guilty of a misdemeanor and is subject to the penalties provided in chapter 9A.20 RCW.

Sec. 8. Section 9, chapter 87, Laws of 1987 and RCW 75.25.170 are each amended to read as follows:

Fees received for personal use licenses, geoduck licenses, punchcards, and stamps under this chapter shall be deposited in the general fund and shall be appropriated for management, enhancement, research, and enforcement purposes of the shellfish, salmon, and marine fish programs of the department of fisheries."

On page 1, line 1 of the title, after "areas;" strike the remainder of the title and insert "amending RCW 75.25.130, 75.25.140, 75.25.150, 75.25.160, and 75.25.170; adding new sections to chapter 75.25 RCW; adding a new section to chapter 79.96 RCW; and prescribing penalties."

Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Fuhrman, Hargrove, Raiter and Sayan.

Passed to Committee on Rules for second reading.

March 30, 1989

SB 5480 Prime Sponsor, Senators Pullen.; Clarifying the crime of malicious harassment. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 7 after "he" insert "or she"

On page 1, line 11 after "origin," insert "sexual orientation."

On page 1, line 14 after "his" insert "or her"

On page 1, line 23 after "origin," insert "sexual orientation."

On page 2, line 4 after "(2)" strike all material down to and including "victim" on line 8 and insert "Sexual orientation" for purposes of this 1989 act, means homosexuality, heterosexuality, or bisexuality"

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Belcher, Brough, Dellwo, Inslee, P. King, Locke, R. Meyers, H. Myers, Scott and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Ranking Republican Member; Hargrove, Moyer, Patrick, Schmidt, D. Sommers and Tate.

Absent: Representative Brough.

Passed to Committee on Rules for second reading.

March 28, 1989

SSB 5488 Prime Sponsor, Committee on Agriculture: Changing penalties and procedures for theft of livestock. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Dellwo, Hargrove, Inslee, P. King, Moyer, H. Myers, Schmidt, Scott, D. Sommers and Wineberry.

Absent: Representative Locke.

Passed to Committee on Rules for second reading.

March 31, 1989

ESSB 5499 Prime Sponsor, Committee on Financial Institutions & Insurance: Requiring motor vehicle liability insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. It is a privilege granted by the state to operate a motor vehicle upon the highways of this state. The legislature recognizes the threat that uninsured drivers are to the people of the state. In order to alleviate the threat posed by uninsured drivers it is the intent of the legislature to require that all persons driving vehicles registered in this state satisfy the financial responsibility requirements of this chapter. By enactment of this chapter it is not the intent of the legislature to modify, amend, or invalidate existing insurance contract terms, conditions, limitations, or exclusions or to preclude insurance companies from using similar terms, conditions, limitations, or exclusions in future contracts.

NEW SECTION, Sec. 2. (1) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090.

(2) A violation of this section constitutes a traffic infraction punishable by a fine of two hundred and fifty dollars unless a court determines that in the interest of justice the fine should be reduced. In lieu of the fine, a court may permit the defendant to perform community service designated by the court.

(3) If a person cited for a violation of this section appears in person before the court and provides written evidence of compliance with this section that is acceptable to the court, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of this section may submit written evidence of compliance with this section by mail to the court before the date scheduled for the person's appearance before the court, in which case the citation shall be dismissed.

(4) The provisions of this chapter shall not govern:

(a) The operation of a motor vehicle registered under RCW 46.16.310 or 46.16.315, governed by RCW 46.16.020, registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.

(5) RCW 46.29.490 shall not be deemed to govern all motor vehicle liability policies required by this chapter but only those certified for the purposes stated in chapter 46.29 RCW.

NEW SECTION, Sec. 3. (1) Whenever an insurance company issues or renews a motor vehicle liability insurance policy, the company shall provide the policyholder with an identification card as specified by the department of licensing. At the policyholder's request, the insurer shall provide the policyholder a card for each vehicle covered under the policy.

(2) The department of licensing shall adopt rules specifying the type, style, and content of insurance identification cards to be used for proof of compliance with section 2 of this act, including the method for issuance of such identification cards by persons or organizations providing proof of compliance through self-insurance, certificate of deposit, or bond. In adopting such rules the department shall consider the guidelines for insurance identification cards developed by the insurance industry committee on motor vehicle administration.

NEW SECTION, Sec. 4. (1) Whenever a person operates a motor vehicle subject to registration under chapter 46.16 RCW, the person shall have in his or her possession an identification card of the type specified in section 3 of this act and shall display the card upon demand to a law enforcement officer.

(2) Every person who drives a motor vehicle required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.

(3) Any person who knowingly provides false evidence of financial responsibility to a law enforcement officer or to a court, including an expired or canceled insurance policy, bond, or certificate of deposit is guilty of a misdemeanor.

Sec. 5, Section 2, chapter 11, Laws of 1979 as last amended by section 1, chapter 30, Laws of 1981 and RCW 46.52.030 are each amended to read as follows:

(1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent of three hundred dollars or more, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns.

(2) If such accident was not investigated by a law enforcement officer, the original of such report shall be immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington, and the second copy of such report to be forwarded to the department of licensing at Olympia, Washington.

(3) If such accident was investigated by a law enforcement officer, the original of each driver's report required by subsection (1) of this section shall be retained by the local law enforcement agency where the accident occurred, and the second copy shall be forwarded to the department of licensing at Olympia, Washington.

(4) Any law enforcement officer who investigates an accident for which a driver's report is required under subsection (1) of this section shall submit an investigator's report as required by RCW 46.52.070.

(5) The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in his opinion is insufficient, and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff, and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the

cause, the conditions then existing, ~~((and))~~ the persons and vehicles involved, the insurance information required under section 3 of this act, personal injury or death, if any, the amounts of property damage claimed, the total number of vehicles involved, whether the vehicles were legally parked, legally standing, or moving, and whether such vehicles were occupied at the time of the accident. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

Sec. 6. Section 46.56.190, chapter 12, Laws of 1961 as amended by section 65, chapter 32, Laws of 1967 and RCW 46.61.020 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person while operating or in charge of any vehicle to refuse when requested by a police officer to give his name and address and the name and address of the owner of such vehicle, or for such person to give a false name and address, and it ~~((shall))~~ is likewise ~~((be))~~ unlawful for any such person to refuse or neglect to stop when signaled to stop by any police officer or to refuse upon demand of such police officer to produce his certificate of license registration of such vehicle, his insurance identification card, or his vehicle driver's license or to refuse to permit such officer to take any such license, card, or certificate for the purpose of examination thereof or to refuse to permit the examination of any equipment of such vehicle or the weighing of such vehicle or to refuse or neglect to produce the certificate of license registration of such vehicle, insurance card, or his vehicle driver's license when requested by any court. Any police officer shall on request produce evidence of his authorization as such.

Sec. 7. Section 4, chapter 136, Laws of 1979 ex. sess. and RCW 46.61.021 are each amended to read as follows:

(1) Any person requested or signaled to stop by a law enforcement officer for a traffic infraction has a duty to stop.

(2) Whenever any person is stopped for a traffic infraction, the officer may detain that person for a reasonable period of time necessary to identify the person, check the status of the person's license, insurance identification card, and the vehicle's registration, and complete and issue a notice of traffic infraction.

(3) Any person requested to identify himself to a law enforcement officer pursuant to an investigation of a traffic infraction has a duty to identify himself, give his current address, and sign an acknowledgement of receipt of the notice of infraction.

Sec. 8. Section 3, chapter 186, Laws of 1986 as amended by section 2, chapter 181, Laws of 1987, by section 55, chapter 244, Laws of 1987, by section 6, chapter 247, Laws of 1987 and by section 11, chapter 388, Laws of 1987 and RCW 46.63.020 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

~~((8) RCW 46.16.011 relating to permitting unauthorized persons to drive;))~~

(9) RCW 46.16.381(8) relating to unauthorized acquisition of a special decal, license plate, or card for disabled persons' parking;

(10) RCW 46.20.021 relating to driving without a valid driver's license;

(11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(12) RCW 46.20.342 relating to driving with a suspended or revoked license;

(13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(14) RCW 46.20.416 relating to driving while in a suspended or revoked status;

(15) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(16) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

- (17) Chapter 46.29 RCW relating to financial responsibility;
 (18) Section 4 of this act relating to providing false evidence of financial responsibility;
 (19) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
 ((19)) (20) RCW 46.48.175 relating to the transportation of dangerous articles;
 ((20)) (21) RCW 46.52.010 relating to duty on striking an unattended car or other property;
 ((21)) (22) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
 ((22)) (23) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
 ((23)) (24) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
 ((24)) (25) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
 ((25)) (26) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
 ((26)) (27) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
 ((27)) (28) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
 ((28)) (29) RCW 46.61.022 relating to failure to stop and give identification to an officer;
 ((29)) (30) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
 ((30)) (31) RCW 46.61.500 relating to reckless driving;
 ((31)) (32) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
 ((32)) (33) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
 ((33)) (34) RCW 46.61.522 relating to vehicular assault;
 ((34)) (35) RCW 46.61.525 relating to negligent driving;
 ((35)) (36) RCW 46.61.530 relating to racing of vehicles on highways;
 ((36)) (37) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
 ((37)) (38) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
 ((38)) (39) RCW 46.64.020 relating to nonappearance after a written promise;
 ((39)) (40) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
 ((40)) (41) Chapter 46.65 RCW relating to habitual traffic offenders;
 ((41)) (42) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
 ((42)) (43) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
 ((43)) (44) Chapter 46.80 RCW relating to motor vehicle wreckers;
 ((44)) (45) Chapter 46.82 RCW relating to driver's training schools;
 ((45)) (46) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;
 ((46)) (47) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

NEW SECTION. Sec. 9. The director of licensing shall compile records on uninsured motorists and file a report with the legislature after accumulating data for twelve months after the effective date of this act.

NEW SECTION. Sec. 10. The department of licensing shall notify the public of the requirements of sections 2 through 4 of this act at the time of new vehicle registration and when the department sends a registration renewal notice.

NEW SECTION. Sec. 11. Sections 1 through 4 of this act shall constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act shall take effect January 1, 1990. The director of the department of licensing may immediately take such steps as are necessary to ensure that this act is implemented on its effective date."

In line 1 of the title, after "motorists;" strike the remainder of the title and insert "amending RCW 46.52.030, 46.61.020, and 46.61.021; reenacting and amending RCW 46.63.020; adding a new chapter to Title 46 RCW; creating new sections; prescribing penalties; and providing an effective date."

Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Crane, Day, Dorn, Inslee, P. King, Nutley, Schmidt, K. Wilson and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1989

SB 5502 Prime Sponsor, Senator Amondson: Revising advertising and sale requirements for valuable materials. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumstick, R. Fisher, Hargrove, Raiter and Sayan.

Absent: Representatives Dellwo, Ferguson and Fuhrman.

Passed to Committee on Rules for second reading.

March 30, 1989

ESSB 5516 Prime Sponsor, Committee on Health Care & Corrections: Regarding the disabilities land trust. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments.

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The legislature finds that Article XIII of the Constitution of the state of Washington requires the state to provide institutional services for persons who are mentally ill, developmentally disabled, or juvenile offenders. The state is now funding community-based services for these citizens.

The legislature also finds that there are hundreds of acres of land dedicated to providing care for these citizens, including three hundred seventy-four acres of the Fort Steilacoom Military Reservation granted to the state by the United States 'for the use and purpose of an asylum for the insane and for no other purpose,' which may have been lost to the mentally ill in negotiations with Pierce county. Over the years hundreds of acres of additional land have been donated and purchased at public expense for the sole purpose of providing the necessary resources for these citizens.

Therefore, the purposes of this act are:

(1) To implement the intent of the congress and the legislature that the land granted and other lands acquired by the state for mentally ill, developmentally disabled, and juvenile offenders populations be administered in a manner that makes funds available for the support of the programs and facilities designed for them;

(2) To the extent practicable, to eliminate the need for costly, time-consuming and divisive litigation over the state's management of such lands;

(3) To ensure that the attention of the public and the government is focused on mental health and other programs, as contemplated by the congress and not on issues relating to the management of the land;

(4) To validate each deed, contract for sale, lease, easement, right of way, permit, mineral lease disposal, and reservation of land for public use; and

(5) To establish a land trust through identification of these lands, the capital assets, and the fair market rental, lease, or sale value of these lands as the principal of the trust and to require management of the trust in a manner that shall not deplete the trust principal.

NEW SECTION. Sec. 2. A new section is added to chapter 43.185 RCW to read as follows:

(1) By December 15, 1989, the office of financial management shall coordinate the efforts of the department of natural resources, the department of social and health services, and the department of general administration to inventory and record all lands and other capital assets ever acquired or dedicated for the care of blind or deaf or otherwise disabled youth for juvenile offenders, and for persons who are mentally ill or developmentally disabled.

(2) The office of financial management shall contract with an independent consultant to identify strategies for the more aggressive management of these lands and facilities to maximize the funds acquired through the use of these lands.

(3) On July 1, 1990, there is created in the state treasury an account to be known as the disabilities trust principal account. The corpus of the disabilities trust principal account shall be the lands or property acquired by grant, purchase, or donation for the care of persons who are juvenile offenders, mentally ill, or developmentally disabled. Proceeds received from the sale of such lands shall be retained in the account. The corpus of this account shall not be depleted. Surplus cash available in this account is to be invested in the same manner as the common school permanent fund.

(4) The disabilities trust principal account shall be managed as aggressively as possible to preserve the asset base, to provide housing for the developmentally disabled and mentally ill populations, and to maximize income to purchase facilities or residential support.

(5) There is also created in the state treasury an account to be known as the disabilities trust income account. Revenues received from the investment, rental, or lease of trust assets of the disabilities trust principal account are to be transferred to the disabilities trust income account for the purpose of providing housing and residential support for juvenile offenders, the developmentally disabled, and mentally ill.

(6) The disabilities trust income account shall be administered according to chapter 43.185 RCW.

(7) No land or other capital assets described in this section may be sold, given, traded, or encumbered for any period of time beyond June 30, 1991, unless such sale, gift, trade, or encumbrance is specifically authorized by the legislature: PROVIDED, That trust lands acquired by grant at statehood for charitable, educational, penal, and reformatory institutions may be managed for the production of income and preservation or enhancement of asset value, including exchanges where at least equal value is secured to the trust.

NEW SECTION. Sec. 3. A new section is added to chapter 43.185 RCW to read as follows:

Sections 2 through 5 of this act shall not be construed as affecting any valid or lawful lease, rental, or donation of land or capital assets to nonprofit charitable corporations as defined in chapter 24.03 RCW which is in existence on the effective date of this act.

Sec. 4. Section 3, chapter 513, Laws of 1987 and RCW 43.185.110 are each amended to read as follows:

(1) The director shall prepare an annual report and shall send copies to the chair of the house of representatives committee on housing, the chair of the senate committee on commerce and labor, and one copy to the staff of each committee that summarizes the housing trust fund's income, grants and operating expenses, implementation of its program, and any problems arising in the administration thereof. The director shall promptly appoint a low-income housing assistance advisory committee composed of a representative from each of the following groups: Apartment owners, realtors, mortgage lending or servicing institutions, private nonprofit housing assistance programs, tenant associations, and public housing assistance programs. The advisory group shall advise the director on housing needs in this state, operational aspects of the grant and loan program or revenue collection programs established by this chapter, and implementation of the policy and goals of this chapter.

(2) The director shall add to the low-income housing assistance advisory committee the following persons who shall serve only when the committee is considering matters regarding or related to the disabilities trust income account:

(a) The secretary of the department of social and health services or the secretary's designee;

(b) A representative from an advocacy or consumer group for the developmentally disabled;

(c) A representative from an advocacy or consumer group for the mentally ill;

(d) One representative from a class AA county; and

(e) One representative from a class A or smaller county.

Sec. 5. Section 8, chapter 298, Laws of 1986 as amended by section 1, chapter 286, Laws of 1988 and RCW 43.185.070 are each amended to read as follows:

(1) During each calendar year in which funds are available for use by the department from the housing trust fund, as prescribed in RCW 43.185.030, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources, but at least twice annually. The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department, not to exceed thirty-seven thousand five hundred dollars in the fiscal year ending June 30, 1988, and seventy-five thousand dollars in the fiscal year ending June 30, 1989, and not to exceed five percent of annual revenues to the fund thereafter.

(2) The department shall give first priority to applications for projects and activities which utilize existing privately owned housing stock including privately owned housing stock purchased by nonprofit public development authorities. Such projects and activities shall be evaluated under subsection (3) of this section. Second priority shall be given to activities and projects which utilize existing publicly owned housing stock. Such projects and activities shall be evaluated under subsection (3) of this section.

(3) The department shall give preference for applications based on the following criteria:

(a) The degree of leveraging of other funds that will occur;

(b) Recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;

(c) Local government project contributions in the form of infrastructure improvements, and others;

(d) Projects that encourage ownership, management, and other project-related responsibility opportunities;

(e) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least fifteen years;

(f) The applicant has the demonstrated ability, stability and resources to implement the project;

(g) Projects which demonstrate serving the greatest need; ~~((and))~~

(h) Projects that provide housing for persons and families with the lowest incomes;

(i) Projects or services for the disabled shall be consistent with the recommendations of the developmental disabilities planning council; and

(j) Projects for the mentally ill shall be consistent with plans developed by counties or regional residential support networks pursuant to chapter 71.24 RCW as now or hereafter amended."

On page 1, line 1 of the title, after "trust;" strike the remainder of the title and insert "amending RCW 43.185.110 and 43.185.070; adding new sections to chapter 43.185 RCW; and creating a new section."

Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Hargrove, Leonard, Padden, Raiter and Winsley.

Absent: Representative Raiter.

Referred to Committee on Capital Facilities & Financing.

March 30, 1989

ESB 5536 Prime Sponsor, Senator McCaslin: Revising provisions for the state employees' benefits board. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 7, chapter 107, Laws of 1988 and RCW 41.05.055 are each amended to read as follows:

(1) The state employees' benefits board is created within the authority. The function of the board is to design and approve insurance benefit plans for state employees.

(2) The board shall be composed of seven members appointed by the governor as follows:

(a) Three representatives of state employees, one of whom shall represent an employee association certified as exclusive representative of at least one bargaining unit of classified employees ~~((and))~~, one of whom shall represent an employee union certified as exclusive representative of at least one bargaining unit of classified employees, and one of whom is retired, is covered by a program under the jurisdiction of the board, and represents an organized group of retired public employees;

(b) Three members with experience in health benefit management and cost containment; and

(c) The administrator.

(3) The governor shall appoint the initial members of the board to staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. The administrator shall serve as chair of the board. Meetings of the board shall be at the call of the chair."

On page 1, line 1 of the title, after "board;" strike the remainder of the title and insert "and amending RCW 41.05.055."

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, Morris, O'Brien, Rector and Sayan.

Absent: Representative Hankins.

Passed to Committee on Rules for second reading.

March 31, 1989

SSB 5543 Prime Sponsor, Committee on Economic Development & Labor: Regulating annual reports of nonprofit corporations. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that it is in the public interest to increase the level of accountability to the public of nonprofit corporations through improved reporting, increased consistency between state and federal statutes, and a clear definition of those nonprofit corporations that may hold themselves out as operating to benefit the public.

Sec. 2. Section 80, chapter 235, Laws of 1967 as last amended by section 4, chapter 117, Laws of 1987 and RCW 24.03.395 are each amended to read as follows:

Each domestic corporation, and each foreign corporation authorized to conduct affairs in this state, shall file, within the time prescribed by this chapter, an annual report in the form prescribed by the secretary of state setting forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated((:));

(2) The address of the registered office of the corporation in this state including street and number and the name of its registered agent in this state at such address, and, in the case of a foreign corporation, the address of its principal office((:));

(3) A brief statement of the character of the affairs which the corporation is actually conducting, or, in the case of a foreign corporation, which the corporation is actually conducting in this state((:));

(4) The names and respective addresses of the directors and officers of the corporation;

(5) An affirmative indication whether or not any change has been made in the corporation's purpose and if so, the nature and reason for the change along with accompanying documentation;

(6) Whether the corporation has filed an internal revenue service form 990 with the internal revenue service, which if filed, shall be made available upon request to the secretary of state's office;

(7) The gross revenue and any unrelated business income as required to be reported under federal law; and

(8) The corporation's unified business identifier number.

The information shall be given as of the date of the execution of the report. It shall be executed by the corporation by an officer of the corporation, or, if the corporation is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation by such receiver or trustee.

The secretary of state may provide that correction or updating of information appearing on previous annual filings is sufficient to constitute the current annual filing.

Sec. 3 Section 2, chapter 235, Laws of 1967 as last amended by section 1, chapter 240, Laws of 1986 and RCW 24.03.005 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the term:

(1) 'Corporation' or 'domestic corporation' means a corporation not for profit subject to the provisions of this chapter, except a foreign corporation.

(2) 'Foreign corporation' means a corporation not for profit organized under laws other than the laws of this state.

(3) 'Not for profit corporation' or 'nonprofit corporation' means a corporation no part of the income of which is distributable to its members, directors or officers.

(4) 'Articles of incorporation' and 'articles' mean the original articles of incorporation and all amendments thereto, and includes articles of merger and restated articles.

(5) 'Bylaws' means the code or codes of rules adopted for the regulation or management of the affairs of the corporation irrespective of the name or names by which such rules are designated.

(6) 'Member' means an individual or entity having membership rights in a corporation in accordance with the provisions of its articles or incorporation or bylaws.

(7) 'Board of directors' means the group of persons vested with the management of the affairs of the corporation irrespective of the name by which such group is designated in the articles or bylaws.

(8) 'Insolvent' means inability of a corporation to pay debts as they become due in the usual course of its affairs.

(9) 'Duplicate originals' means two copies, original or otherwise, each with original signatures, or one original with original signatures and one copy thereof.

(10) 'Conforms to law' as used in connection with duties of the secretary of state in reviewing documents for filing under this chapter, means the secretary of state has determined that the document complies as to form with the applicable requirements of this chapter.

(11) 'Effective date' means, in connection with a document filing made by the secretary of state, the date which is shown by affixing a 'filed' stamp on the documents. When a document is received for filing by the secretary of state in a form which complies with the requirements of this chapter and which would entitle the document to be filed immediately upon receipt, but the secretary of state's approval action occurs subsequent to the date of receipt, the secretary of state's filing date shall relate back to the date on which the secretary of state first received the document in acceptable form. An applicant may request a specific effective date no more than thirty days later than the receipt date which might otherwise be applied as the effective date.

(12) 'Executed by an officer of the corporation,' or words of similar import, means that any document signed by such person shall be and is signed by that person under penalties of perjury and in an official and authorized capacity on behalf of the corporation or person making the document submission with the secretary of state.

(13) 'An officer of the corporation' means, in connection with the execution of documents submitted for filing with the secretary of state, the president, a vice president, the secretary, or the treasurer of the corporation.

(14) 'Public benefit not for profit corporation' or 'public benefit nonprofit corporation' means a corporation no part of the income of which is distributable to its members, directors,

or officers and that holds a current tax exempt status as provided under 26 U.S.C. Sec. 501(c)(3) or is specifically exempted from the requirement to apply for its tax exempt status under 26 U.S.C. Sec. 501(c)(3).

NEW SECTION. Sec. 4. There is hereby established the special designation 'public benefit not for profit corporation' or 'public benefit nonprofit corporation.' A corporation may be designated as a public benefit nonprofit corporation if it meets the following requirements:

- (1) The corporation complies with the provisions of this chapter; and
- (2) The corporation holds a current tax exempt status as provided under 26 U.S.C. Sec. 501(c)(3) or is not required to apply for its tax exempt status under 26 U.S.C. Sec. 501(c)(3).

NEW SECTION. Sec. 5. A temporary designation as a public benefit nonprofit corporation may be provided to a corporation that has applied for tax exempt status under 26 U.S.C. Sec. 501(c)(3). The temporary designation is valid for up to one year and may be renewed at the discretion of the secretary.

NEW SECTION. Sec. 6. The secretary shall develop an application process for new and existing corporations to apply for public benefit nonprofit corporation status.

NEW SECTION. Sec. 7. The designation 'public benefit nonprofit corporation' shall be renewed annually. The secretary may schedule renewals in conjunction with existing corporate renewals.

NEW SECTION. Sec. 8. The secretary may establish fees to cover the cost of renewals.

NEW SECTION. Sec. 9. The secretary may remove a corporation's public benefit nonprofit corporation designation if it does not comply with the provisions of this chapter or does not maintain its exempt status under 26 U.S.C. Sec. 501(c)(3). The secretary in removing a corporation's public benefit nonprofit corporation status shall comply with administrative procedures provided by this chapter.

Sec. 10. Section 10, chapter 235, Laws of 1967 as last amended by section 39, chapter 55, Laws of 1987 and RCW 24.03.045 are each amended to read as follows:

The corporate name:

(1) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation.

(2) Shall not be the same as, or deceptively similar to, the name of any corporation, whether for profit or not for profit, existing under any act of this state, or any foreign corporation, whether for profit or not for profit, authorized to transact business or conduct affairs in this state, any domestic or foreign limited partnership on file with the secretary, or a limited partnership existing under chapter 25.10 RCW, or a corporate name reserved or registered as permitted by the laws of this state. This subsection shall not apply if the applicant files with the secretary of state either of the following: (a) The written consent of the other corporation, limited partnership, or holder of a reserved name to use the same or deceptively similar name and one or more words are added or deleted to make the name distinguishable from the other name as determined by the secretary of state, or (b) a certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of the name in this state.

(3) Shall be transliterated into letters of the English alphabet, if it is not in English.

(4) Shall not include or end with 'incorporated,' 'company,' 'corporation,' 'partnership,' 'limited partnership,' or 'Ltd.' or any abbreviation thereof, but may use 'club,' 'league,' 'association,' 'services,' 'committee,' 'fund,' 'society,' 'foundation,' '.....', a nonprofit corporation, or any name of like import.

(5) May only include the term 'public benefit' or names of like import if the corporation has been designated as a public benefit nonprofit corporation by the secretary in accordance with this chapter.

Sec. 11. Sections 4 through 9 of this act are each added to chapter 24.03 RCW.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "reports;" strike the remainder of the title and insert "amending RCW 24.03.395, 24.03.005, and 24.03.045; adding new sections to chapter 24.03 RCW; and creating a new section."

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5553 Prime Sponsor, Committee on Transportation: Deregulating excursion buses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican

Member; Betzoff, Cantwell, Day, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representatives Cantwell, Cooper, Day and G. Fisher.

Passed to Committee on Rules for second reading.

March 28, 1989

ESB 5583 Prime Sponsor, Senator Pullen: Replacing the Washington business corporation act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Locke and Patrick.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5591 Prime Sponsor, Committee on Transportation: Prescribing penalties for unfranchised use of highway right-of-way. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, at the beginning of line 6 insert "(1)"

On page 1, line 12 after "misdemeanor" strike all material through "mail" on line 16 and insert "(and)"

On page 1, line 18 strike all material through "chapter," on line 29 and insert:

"(2) Any person, firm, or corporation who constructs or maintains on, over, across, or along any state highway any water pipe, flume, gas pipe, telegraph, telephone, electric light or power lines, or tram or railway, or any other such facilities, without having first obtained and having at all times in full force and effect a franchise or permit to do so in the manner provided by law is liable for a civil penalty of one hundred dollars per calendar day beginning forty-five days from the date notice is given and until application is made for a franchise or permit or until the facility is removed as required by notice. The state shall give notice by certified mail that a franchise or permit is required or the facility must be removed and shall include in the notice sufficient information to identify the portion of right of way in question. Notice is effective upon delivery.

(3) If a person, firm or corporation does not apply for a permit or franchise within forty-five days of notice given in accordance with subsection (2) or the state determines that the facility constructed or maintained without a permit or franchise would not be granted a permit or franchise, the state may order the facility to be removed within such time period as the state may specify. If the facility is not removed, the state, in addition to any other remedy, may remove the facility at the expense of the owner."

Signed by Representatives Walk, Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cantwell, Day, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Jones, R. Meyers, Patrick, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representatives Baugher, Vice Chair; Cooper, G. Fisher, Kremen, Nelson and Prentice.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5594 Prime Sponsor, Committee on Health Care & Corrections: Allowing prescriptions to be filled across state borders. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Chandler, Morris, Sprengle, Vekich and Wolfe.

Absent: Representatives Brooks, Ranking Republican Member; and Cantwell.

Passed to Committee on Rules for second reading.

March 28, 1989

ESB 5597 Prime Sponsor, Senator Nelson: Limiting pharmacists' liability.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 18.64 RCW to read as follows:

(1) A pharmacist who dispenses a prescription product manufactured by a commercial manufacturer pursuant to a prescription issued by a licensed practitioner is not liable to a person who was injured through the use of the product, based on a claim of the following:

(a) Strict liability in tort; or

(b) Implied warranty provisions under the uniform commercial code, Title 62A RCW.

(2) Nothing in subsection (1) of this section affects a pharmacist's liability under RCW 7.72.040(1).

(3) In any action for personal injury based upon a prescription product where a pharmacist is not liable under subsection (1) of this section, then the trier of fact shall not attribute fault under RCW 4.22.070 to that pharmacist.

(4) The limitation of liability provided in subsection (1) of this section, shall apply only if the pharmacist identifies the product manufacturer or manufacturers of the prescription product that resulted in injury to a person.

Sec. 2. Section 5, chapter 27, Laws of 1981 and RCW 7.72.040 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a product seller other than a manufacturer is liable to the claimant only if the claimant's harm was proximately caused by:

(a) The negligence of such product seller; or

(b) Breach of an express warranty made by such product seller; or

(c) The intentional misrepresentation of facts about the product by such product seller or the intentional concealment of information about the product by such product seller.

(2) A product seller, other than a manufacturer, shall have the liability of a manufacturer to the claimant if:

(a) No solvent manufacturer who would be liable to the claimant is subject to service of process under the laws of the claimant's domicile or the state of Washington; or

(b) The court determines that it is highly probable that the claimant would be unable to enforce a judgment against any manufacturer; or

(c) The product seller is a controlled subsidiary of a manufacturer, or the manufacturer is a controlled subsidiary of the product seller; or

(d) The product seller provided the plans or specifications for the manufacture or preparation of the product and such plans or specifications were a proximate cause of the defect in the product; or

(e) The product was marketed under a trade name or brand name of the product seller.

(3) Subsection (2) of this section does not apply to a pharmacist who dispenses a prescription product manufactured by a commercial manufacturer pursuant to a prescription issued by a licensed practitioner and who identifies the product manufacturer or manufacturers of the prescription product that resulted in injury to a person.

Sec. 3. Section 401, chapter 305, Laws of 1986 and RCW 4.22.070 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages, including the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities immune from liability to the claimant except as provided in RCW 7.72.040(3) and entities with any other individual defense against the claimant. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimant's total damages.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking.

NEW SECTION, Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "pharmacists;" strike the remainder of the title and insert "amending RCW 7.72.040 and 4.22.070; adding a new section to chapter 18.64 RCW; and declaring an emergency."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, R. Meyers, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Moyer.

Absent: Representative Locke.

Passed to Committee on Rules for second reading.

March 31, 1989

ESSB 5644 Prime Sponsor, Committee on Environment & Natural Resources: Transferring designated portions of the Milwaukee Road from the department of natural resources to the parks and recreation commission. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Brumsickle, Ferguson, R. Fisher, Raiter and Sayan.

MINORITY recommendation: Without recommendation. Signed by Representative Hargrove.

Absent: Representatives Dellwo and Fuhrman.

Referred to Committee on Appropriations.

March 31, 1989

SSB 5648 Prime Sponsor, Committee on Economic Development & Labor: Authorizing creation of a federation of Washington ports. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds: (1) That the continuous development of Washington's ports should be a long-term goal for the state of Washington; (2) that Washington's ports are a valuable economic development resource, whose strength as a combined, coordinated entity for the purpose of trade and tourism development would far exceed their individual strength's in those areas; and (3) that, therefore, the ports should work together as a federation, coordinating their efforts further still with other public entities as well as the private sector.

The legislature concurs with the 1989 report of the economic development board on a long-term economic development strategy for Washington state as follows: (a) Competition for tourism dollars, as well as dollars to purchase Washington's goods and services, is global in nature and to compete, the state must identify its unique market niches, and market its trade, travel, and tourism assets aggressively; (b) the ports of the state of Washington are an integral part of the technological and physical infrastructure needed to help the state compete in the international marketplace; and (c) links among public agencies, associate development organizations, including ports, universities, and industry-oriented organizations must be strengthened in an effort to improve coordination, prevent duplication, and build local capacity.

NEW SECTION, Sec. 2. A new section is added to chapter 53.06 RCW to read as follows:

The Washington public ports association is authorized to create a federation of Washington ports to enable member ports to strengthen their international trading capabilities and market the region's products worldwide. Such a federation shall maintain the authority of individual ports and have the following purposes:

(1) To operate as an export trading company under the provisions enumerated in chapter 53.31 RCW;

(2) To provide a network to market the services of the members of the Washington public ports association;

(3) To provide expertise and assistance to businesses interested in export markets;

(4) To promote cooperative efforts between ports and local associate development organizations to assist local economic development efforts and build local capacity; and

(5) To assist in the efficient marketing of the state's trade, tourism, and travel resources.

This section shall expire July 1, 1994, and shall be subject to review under chapter 43.131 RCW.

Sec. 3. Section 2, chapter 31, Laws of 1961 and RCW 53.06.020 are each amended to read as follows:

It shall be the duty of the port district commissions in the state to take such action to effect the coordination of the administrative programs and operations of each port district in the state and to submit to the governor and the legislature biennially a joint report or joint reports containing the recommendations for procedural changes which would increase the efficiency of the respective port districts. Beginning with the 1990 legislative session, the association shall report on steps being taken to establish a federation of Washington ports pursuant to section 2 of this 1989 act.

Sec. 4. Section 3, chapter 31, Laws of 1961 and RCW 53.06.030 are each amended to read as follows:

The port district commissions in this state are empowered to designate the Washington public ports association as a coordinating agency through which the duties imposed by RCW 53.06.020 may be performed, harmonized or correlated. The purposes of the Washington public ports association shall be:

(1) To initiate and carry on the necessary studies, investigations and surveys required for the proper development and improvement of the commerce and business generally common to all port districts, and to assemble and analyze the data thus obtained and to cooperate with the state of Washington, port districts both within and without the state of Washington, and other operators of terminal and transportation facilities for this purpose, and to make such expenditures as are necessary for these purposes, including the proper promotion and advertising of all such properties, utilities and facilities;

(2) To establish coordinating and joint marketing bodies comprised of association members, including but not limited to establishment of a federation of Washington ports as described in section 2 of this 1989 act, as may be necessary to provide effective and efficient marketing of the state's trade, tourism, and travel resources;

(3) To exchange information relative to port construction, maintenance, operation, administration and management;

~~((3))~~ (4) To promote and encourage port development along sound economic lines;

~~((4))~~ (5) To promote and encourage the development of transportation, commerce and industry;

~~((5))~~ (6) To operate as a clearing house for information, public relations and liaison for the port districts of the state and to serve as a channel for cooperation among the various port districts and for the assembly and presentation of information relating to the needs and requirements of port districts to the public.

Sec. 5. Section 1, chapter 56, Laws of 1967 and RCW 53.29.010 are each amended to read as follows:

It is declared to be the finding of the legislature of the state of Washington that:

(1) The servicing functions and activities connected with the oceanborne and overseas airborne trade and commerce of port districts, including customs clearance, shipping negotiations, cargo routing, freight forwarding, financing, insurance arrangements and other similar transactions which are presently performed in various, scattered locations in the districts should be centralized to provide for more efficient and economical transportation of persons and more efficient and economical facilities for the exchange and buying, selling and transportation of commodities and other property in world trade and commerce;

(2) Unification, at a single, centrally located site of a facility of commerce, i.e., a trade center, accommodating the functions and activities described in subsection (1) of this section and the appropriate governmental, administrative and other services connected with or incidental to transportation of persons and property and the promotion and protection of port commerce, and providing a central locale for exhibiting, and otherwise promoting the exchange and buying and selling of commodities and property in world trade and commerce, will materially assist in preserving the material and other benefits of a prosperous port community;

(3) The undertaking of the aforesaid unified trade center project by a port district or the Washington public ports association has the single object of preserving, and will aid in the promotion and preservation of, the economic well-being of ~~((the))~~ port districts and the state of Washington and is found and determined to be a public purpose.

Sec. 6. Section 2, chapter 56, Laws of 1967 and RCW 53.29.020 are each amended to read as follows:

In addition to all other powers granted to port districts, any such district, the Washington public ports association, or the federation of Washington ports as described in section 2 of this 1989 act may acquire, as provided for other port properties in RCW 53.08.010, construct, develop, operate and maintain all land or other property interests, buildings, structures or other improvements necessary to provide a trade center including but not limited to:

(1) A facility consisting of one or more structures, improvements and areas for the centralized accommodation of public and private agencies, persons and facilities in order to afford improved service to waterborne and airborne import and export trade and commerce;

(2) Facilities for the promotion of such import and export trade and commerce, inspection, testing, display and appraisal facilities, foreign trade zones, terminal and transportation facilities, office meeting rooms, auditoriums, libraries, language translation services, storage, warehouse, marketing and exhibition facilities, facilities for federal, state, county and other municipal and governmental agencies providing services relating to the foregoing and including, but not being limited to, customs houses and customs stores, and other incidental facilities and accommodations.

Sec. 7. Section 3, chapter 56, Laws of 1967 and RCW 53.29.030 are each amended to read as follows:

(1) In carrying out the powers authorized by this chapter and chapter 53.06 RCW, port districts and the Washington public ports association are authorized to cooperate and act jointly with other public and private agencies, including, but not limited to the federal government, the state, other ports and municipal corporations, other states and their political subdivisions, and private nonprofit trade promotion groups and associate development organizations.

(2) Port districts operating trade center buildings or operating association or federation trade centers, shall pay an annual service fee to the county treasurer wherein the center is located for municipal services rendered to the trade center building. The measure of such service fee shall be equal to three percent of the gross rentals received from the nongovernmental tenants of such trade center building. Such proceeds shall be distributed by the county treasurer as follows: Forty percent to the school district, forty percent to the city, and twenty percent to the county wherein the center is located: PROVIDED, That if the center is located in an unincorporated area, twenty percent shall be allocated to the fire district, forty percent to the school district, and forty percent to the county.

Sec. 8. Section 4, chapter 56, Laws of 1967 and RCW 53.29.900 are each amended to read as follows:

This chapter, which may be known and cited as the "Trade Center Act", shall be liberally construed, its purpose being to provide port districts, and their related association and federation, with additional powers to provide trade centers and to promote and encourage trade, tourism, travel, and economic development in a coordinated and efficient manner through the ports of the state of Washington. The powers herein granted shall be in addition to all others granted to port districts.

Sec. 9. Section 1, chapter 276, Laws of 1986 and RCW 53.31.010 are each amended to read as follows:

It is declared to be the public policy of the state to promote and preserve the economic well-being of the citizens of this state by creating opportunities for expanded participation in international trade by state businesses and expanding international trade through state ports. Increased international trade of state products creates and retains jobs, increases the state's tax base, and diversifies the state's economy. Port districts, through economies of scale, are uniquely situated to promote and expand international trade and provide greater opportunities for state businesses to participate in international trade.

The legislature finds that significant public benefit, in the form of increased employment and tax revenues, can be realized through export trading companies without lending the credit of port districts, and without capital investment of public funds by port districts. The legislature finds that the use of port district funds to promote and establish export trading companies under this chapter constitutes trade promotion and industrial development within the meaning of Article VIII, section 8 of the state Constitution.

It is the purpose of this chapter: (1) To stimulate greater participation by private businesses in international trade; (2) to authorize port districts and the federation of Washington ports to promote and facilitate international trade more actively; (3) to make export services more widely available; (4) to generate revenue for port districts and the federation of Washington ports; and (5) to develop markets for Washington state goods and services. Port and federation of Washington ports sponsored export trading companies can also assist small to medium-sized companies in achieving economies of scale in order to expand into the export market.

It is the intent of this chapter to enhance export trade and not to create outside competition for existing Washington state businesses. The primary intent of a port and federation of Washington ports sponsored export trading company is to increase exports of Washington state products.

This chapter shall not be construed as modifying or restricting any other powers granted to port districts by law. The legislature does not intend by the enactment of this chapter for port districts to use export trading companies to create unfair competition with private business.

Sec. 10. Section 2, chapter 276, Laws of 1986 and RCW 53.31.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Port district' means any port district other than a county-wide port district in a class A or AA county, established under Title 53 RCW; except that a class A or AA county port district may participate in an export trading company established by the federation of Washington ports as described in chapter 53.06 RCW.

(2) 'Export services' means the following services when provided in order to facilitate the export of goods or services through Washington ports: International market research, promotion, consulting, marketing, legal assistance, trade documentation, communication and processing of foreign orders to and for exporters and foreign purchasers, financing, and contracting or arranging for transportation, insurance, warehousing, foreign exchange, and freight forwarding.

(3) 'Export trading company' means an entity created by a port district under RCW 53.31.040.

(4) 'Obligations' means bonds, notes, securities, or other obligations or evidences of indebtedness.

(5) 'Person' means any natural person, firm, partnership, association, private or public corporation, or governmental entity.

(6) 'Federation of Washington ports' means the cooperative marketing organization created by the Washington public ports association pursuant to section 2 of this 1989 act, and comprised of its members.

NEW SECTION. Sec. 11. (1) There is created a temporary task force for purposes of examining cooperative measures available to ports and local associate development organizations to improve coordination and increase efficiency, and examining methods to build local capacity by implementing recommendations contained in the 1989 report of the economic development board.

(2) The task force shall study and make recommendations in the following areas:

(a) The feasibility of joint marketing efforts to advance the goals and mission of ports and local associate development organizations;

(b) Measures available to enhance the economic development and trade development mission of ports and local associate development organizations, including the establishment of joint trade offices and joint efforts to assist businesses to export;

(c) Opportunities to enhance the financial base of ports and local associate development organizations independent of additional taxation measures;

(d) Opportunities for ports and local associate development organizations to enter into contracts to assist local economic development efforts and build local capacity; and

(e) Such other areas as the task force determines are relevant to the mission of the task force.

(3) The task force shall consist of the following twenty members:

(a) A member of the governing board of each county-wide port district in a class A or AA county selected by the respective port commissions;

(b) The executive director of each county-wide port district in a class A or AA county;

(c) A member of a governing board of a port district which is located east of the Cascade mountains, appointed by the governor;

(d) A member of a governing board of a port district which has an industrial area and a marine terminal, appointed by the governor;

(e) An executive director of a port district which is located east of the Cascade mountains, appointed by the governor;

(f) An executive director of a port district which has an industrial area and a marine terminal, appointed by the governor;

(g) Four members from the general public representing business, labor, and community organizations, appointed by the governor;

(h) Two executive directors of local associate development organizations, one of which is located east of the Cascade mountains, appointed by the governor;

(i) The directors, or the directors' designees, of the department of community development and the department of trade and economic development to serve as nonvoting members; and

(j) A representative from each of the four legislative caucuses. The president of the senate shall appoint the two senate members and the speaker of the house of representatives shall appoint the two house members. The legislators shall serve as nonvoting members.

(4) The governor shall designate the chair of the task force.

(5) The department of trade and economic development and the department of community development shall provide staff assistance as required.

(6) Task force members may be reimbursed for necessary travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) The task force shall report its findings and recommendations to the legislature by January 1, 1990.

(8) The task force shall expire on March 1, 1990.

NEW SECTION, Sec. 12. The temporary task force shall also identify opportunities to expand the state's air cargo capacity by identifying air cargo trends worldwide, identifying existing, planned, and potential air cargo capabilities and facilities in the state, analyzing the economic feasibility of planned and potential air cargo facilities with respect to transport shipping costs, and developing alternative policies for state and local government action to help ensure Washington remains competitive with respect to air cargo facilities.

NEW SECTION, Sec. 13. Nothing in section 11 or 12 of this act shall be construed to limit or impinge upon the autonomy of port districts.

NEW SECTION, Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Sec. 15. Section 10, chapter 276, Laws of 1986 and RCW 53.31.900 are each amended to read as follows:

This chapter shall expire July 1, (~~1991~~) 1994, and shall be subject to review under chapter 43.131 RCW."

On page 1, line 1 of the title, after "ports;" strike the remainder of the title and insert "amending RCW 53.06.020, 53.06.030, 53.29.010, 53.29.020, 53.29.030, 53.29.900, 53.31.010, 53.31.020, and 53.31.900; adding a new section to chapter 53.06 RCW; and creating new sections."

Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; Kremen, Moyer, Raiter, Rector, Schoon and Youngsman.

MINORITY recommendation: Do not pass. Signed by Representatives Rasmussen, Tate and Walk.

Absent: Representative G. Fisher.

Referred to Committee on Appropriations.

March 31, 1989

SSB 5654 Prime Sponsor, Committee on Financial Institutions & Insurance: Restricting the insurance coverage provided by a bond. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 19.72 RCW to read as follows:

(1) Any public or private works contract or improvement bond shall not provide any other type of insurance coverage defined in chapter 48.11 RCW, including but not limited to general casualty insurance coverage as defined in RCW 48.11.070, and property insurance coverage as defined in RCW 48.11.040, other than surety insurance coverage. Language in any contract or bond to the contrary shall be void.

(2) Unless otherwise specifically provided by statute, even if liability is imposed on the surety's principal or the surety by the contract, bond, or common law, no bond, provided written notice of this exemption has been given the obligee by the surety, shall be liable for damages based upon or arising out of any:

(a) Tortious injury to:

(i) Person (including death); or

(ii) Real or personal property except as provided in subsection (3) of this section; or

(b) Failure to have any or adequate insurance coverage.

(3) Nothing in subsection (2)(a)(i) of this section prohibits a claim upon a bond for correction of improper work by a principal, where such a claim would otherwise be allowable under the terms of the bond; but the claim, as it relates to damages to property, must be limited strictly to correction of the principal's improper work product. Work product means the labor of and materials supplied and/or installed by the principal."

On page 1, line 1 of the title, after "coverage;" strike the remainder of the title and insert "and adding a new section to chapter 19.72 RCW."

Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member; Anderson, Baugher, Beck, Crane, Day, Dorn, Inslee, Nutley, K. Wilson and Winsley.

Absent: Representatives P. King and Schmidt.

Passed to Committee on Rules for second reading.

March 30, 1989

2SSB 5660 Prime Sponsor, Committee on Ways & Means: Regarding child care resource and referral. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Hargrove, Leonard, Padden, Raiter and Winsley.

Absent: Representative Raiter.

Referred to Committee on Appropriations.

March 30, 1989

SSB 5681 Prime Sponsor, Committee on Economic Development & Labor: Reenacting and amending provisions for asbestos projects. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Brekke, Bristow, Dorn, Doty, Ferguson, Hine, Holland, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

Absent: Representative Brough.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5686 Prime Sponsor, Committee on Agriculture: Making major changes to agriculture statutes. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

'Sec. 1. Section 15.32.010, chapter 11, Laws of 1961 and RCW 15.32.010 are each amended to read as follows:

For the purpose of chapter 15.32 RCW:

'Supervisor' means the supervisor of the dairy and (livestock) food division;

'Dairy' means a place where milk from one or more cows or goats is produced for sale;

'Creamery' means a structure wherein milk or cream is manufactured into butter for sale;

'Milk plant' means a structure wherein milk is bottled, pasteurized, clarified, or otherwise processed;

'Cheese factory' means a structure where milk is manufactured into cheese;

'Factory of milk products' means a structure, other than a creamery, milk plant, cheese factory, milk condensing plant or ice cream factory, where milk or any of its products is manufactured, changed, or compounded into another article, or where butter is cut or wrapped; except freezing of ice cream from a mix compounded in a licensed creamery, milk plant, cheese factory, milk condensing plant or ice cream factory;

'Milk condensing plant' means a structure where milk is condensed or evaporated;

'Ice cream factory' means a structure which complies with the sanitary requirements of RCW 15.32.080, where ice cream mix is produced for sale or distribution, and may include freezing such mix into ice cream;

'Counter ice cream freezer' means counter type freezing machines usually operated in retail establishments;

'Sterilized milk' means milk that has been heated under six pounds of steam pressure and maintained thereat for not less than twenty minutes;

'Modified milk' means milk that has been altered in composition to conform to special nutritional requirements;

'Milk product' means an article manufactured or compounded from milk, whether or not the milk conforms to the standards and definitions herein;

'Milk byproduct' means a product of milk derived or made therefrom after the removal of the milk fat or milk solids in the process of making butter or cheese, and includes skimmed milk, buttermilk, whey, casein, and milk powder;

'Butter' means the product made by gathering the fat of pasteurized milk or cream into a mass containing not less than eighty percent of milk fat, and which also contains a small portion of other milk constituents, with or without harmless coloring matter;

'Renovated butter' means butter that has been reduced to a liquid state by melting and drawing off the liquid or butter oil, and has thereafter been churned or manipulated in connection with milk, cream, or other product of milk;

'Reworked butter' means the product obtained by mixing or rechurning butter made on different dates or at different places: PROVIDED, That the mixing of remnants from one day's

churning or cutting with butter from the churning of the same creamery on the next day shall not make the product reworked butter;

'Butter substitute' means a compound of vegetable oils with milk fats or milk solids and all compounds of milk fats or milk solids with butter when the compound contains less than eighty percent of milk fat;

'Oleomargarine' means all manufactured substances, extracts, mixtures, or compounds, including mixtures or compounds with butter, known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral, and includes all lard and tallow extracts and mixtures and compounds of tallow, beef fat, suet, lard, lard oil, intestinal fat and offal fat made in imitation or semblance of butter or calculated or intended to be sold as butter;

'Cheese' means any of the cheeses as described in Title 21 of the code of federal regulations part 133;

'Imitation cheese' means any article, substance, or compound, other than that produced from pure milk or from the cream from pure milk, which is made in the semblance of cheese and designed to be sold or used as a substitute for cheese. The use of salt, lactic acid, or pepsin, and harmless coloring matter in cheese shall not render the true product an imitation. Nothing herein shall prevent the use of pure skimmed milk in the manufacture of cheese;

'Milk vendor' or 'milk dealer' means any person who sells, furnishes or delivers milk, skimmed milk, buttermilk, or cream in any manner.

All dairy products mentioned in this chapter mean those fit or used for human consumption.

Sec. 2. Section 2, chapter 58, Laws of 1963 and RCW 15.32.051 are each amended to read as follows:

The director may, by rule, establish and/or amend definitions and standards for dairy products. Such definitions and standards established by the director shall conform, insofar as practicable, with the definitions and standards for dairy products promulgated by the secretary of the United States department of health, education and welfare: PROVIDED, That the director shall at all times provide reasonable standards for ice milk.

The director may adopt any other rules necessary to carry out the purposes of this chapter. The adoption of all rules provided for in this section shall be subject to the provisions of chapter ~~((34-04))~~ 34.05 RCW as enacted or hereafter amended concerning the adoption of rules, except as otherwise provided in this section.

~~((The definitions constituting sections 15.32.020, 15.32.030, 15.32.040 and 15.32.050, chapter 11, Laws of 1961 and RCW 15.32.020, 15.32.030, 15.32.040 and 15.32.050 hereinabove repealed as statutes are hereby constituted and declared to be operative and to remain in force as the rules of the department of agriculture until such time as amended, modified, or revoked by the director of agriculture.))~~

Sec. 3. Section 15.32.080, chapter 11, Laws of 1961 and RCW 15.32.080 are each amended to read as follows:

A structure or place where milk or cream is processed or manufactured into other products, or where handled, stored, or kept for sale shall be deemed insanitary in the following circumstances:

(1) If milk or cream is received or kept which has ~~((reached a stage of putrefactive fermentation))~~ deteriorated in quality;

(2) ~~((if milk or cream is received or kept in containers that have not been sterilized with boiling water or live steam after each delivery;~~

~~(3))~~ If utensils and apparatus that come in contact with milk or its products in the process of manufacture are not thoroughly washed and ~~((sterilized by means of boiling water or live steam))~~ sanitized after each using;

~~((4))~~ (3) If the floor is such as to permit liquids to soak into the floor's interstices ~~((thereof in such manner as to permit fermentation and decay))~~, or such as may not be readily kept free from dirt and filth;

~~((5))~~ (4) If drains are not provided that will convey refuse milk ~~((;))~~ and water ~~((-and sewage))~~ to a point at least fifty yards distant;

~~((6))~~ (5) If a cesspool, privy vault, hog yard, slaughterhouse, henhouse, manure, or decaying vegetable or animal matter that will produce foul odors is permitted to exist within such distance as will permit the odors therefrom to reach such place;

~~((7))~~ (6) If it lacks sufficient light and air to secure good ventilation;

~~((8))~~ (7) If in a building used in connection therewith any insects, vermin, or other species of animal life are permitted;

~~((9))~~ (8) If upon the floor or walls thereof, any milk or its products or any other filth is allowed to accumulate ~~((-ferment or decay))~~;

~~((10))~~ (9) If the person or clothing of a person coming in contact with milk or milk products therein is unclean;

~~((11))~~ (10) If there is permitted to exist any other cause or thing tending to render the milk or its products produced, kept, handled, or manufactured therein unclean, impure, and unhealthy.

Sec. 4. Section 15.32.100, chapter 11, Laws of 1961 as last amended by section 20, chapter 3, Laws of 1983 and RCW 15.32.100 are each amended to read as follows:

Every person who sells, offers or exposes for sale, barter, or exchanges any milk or milk product as defined by rule under chapter 15.36 RCW must have a milk vendor's license to do so: PROVIDED, That such license shall not include retail stores or restaurants which purchase milk prepackaged or bottled elsewhere for sale at retail or establishments which sell milk only for consumption in such establishment. Such license, issued by the director on application and payment of a fee of ~~((two))~~ ten dollars, shall contain the license number, and name, residence and place of business, if any, of the licensee. It shall be nontransferable, shall expire June 30th subsequent to issue, and may be revoked by the director, upon reasonable notice to the licensee, for any violation of or failure to comply with any provision of this chapter or any rule or regulation, or order of the department, or any officer or inspector thereof.

Sec. 5. Section 15.32.140, chapter 11, Laws of 1961 and RCW 15.32.140 are each amended to read as follows:

Milk or sweet cream which is not free from foreign substances, coloring matter, or preservatives, ~~((pus cells or blood cells, or which contains more than one hundred thousand bacteria or germs of all kinds to the cubic centimeter or))~~ which has been infected by or exposed to any contagious or infectious disease ~~((or which has not cooled to a temperature of fifty-five degrees Fahrenheit within thirty minutes after being drawn or separated, or any pasteurized milk that contains in excess of twenty-five thousand bacteria per cubic centimeter))~~ in the finished product, shall be deemed impure, unwholesome, and adulterated.

Sec. 6. Section 15.32.220, chapter 11, Laws of 1961 and RCW 15.32.220 are each amended to read as follows:

~~((Any person who sells or offers for sale milk or cream in bottles with caps which fail to have the name of the owner inscribed thereon, or which indicate a quality that cannot be determined by laboratory, chemical or bacteriological examination, or in any other way wrongfully or fraudulently brands the same as to name or otherwise, for the purpose of inducing a sale, shall be guilty of a misdemeanor.))~~ All milk container labeling shall conform with the federal fair packaging and labeling act.

Sec. 7. Section 15.32.420, chapter 11, Laws of 1961 and RCW 15.32.420 are each amended to read as follows:

No person shall use the word 'pasteurized' in connection with the sale, designation, advertising, labeling, or billing of milk, cream, or any milk product unless the same and all milk products used in the manufacture thereof consist exclusively of milk, skimmed milk, or cream that has been pasteurized in its final form.

Sec. 8. Section 15.32.500, chapter 11, Laws of 1961 and RCW 15.32.500 are each amended to read as follows:

Failure to brand products as required in RCW ~~((15.32.480 and))~~ 15.32.490, and the offering for sale, selling, or otherwise disposing of such products when unbranded, shall constitute violations of this chapter. Selling such unbranded products constitutes knowledge on the part of the seller that the same is not full cream cheese.

Sec. 9. Section 15.32.510, chapter 11, Laws of 1961 and RCW 15.32.510 are each amended to read as follows:

The director ~~((or a county or city or town))~~ may appoint one or more inspectors of milk, dairies, and dairy products, who are graduates of a recognized dairy school, or have completed a college course in dairying. In the absence of completion of a dairy course, the director may review a candidate's qualifications and determine eligibility.

The inspectors may enter any place where milk and its products are stored and kept for sale and any conveyance used to transport milk or cream, and take samples for analysis ~~((PROVIDED, That this shall not apply to samples of milk or cream taken for bacteriological examination.))~~

Sec. 10. Section 15.32.520, chapter 11, Laws of 1961 and RCW 15.32.520 are each amended to read as follows:

~~((The chemist of any state institution shall correctly analyze samples of milk or cream sent him by a city milk inspector and report to the inspector promptly the result of the analysis, without extra compensation, or charge to the city.))~~

A bacteriologist or chemist employed by a ~~((city))~~ certified laboratory may analyze milk for standard of quality, adulteration, contamination, and unwholesomeness, and his analysis shall have the same effect as one made by a chemist of a state institution.

Sec. 11. Section 15.32.530, chapter 11, Laws of 1961 and RCW 15.32.530 are each amended to read as follows:

An inspector ~~((or any state or city officer))~~ who obtains a sample of milk for analysis, shall within ten days after obtaining the result of the analysis, send the result to the person from whom the sample was taken or to the person responsible for the condition of the milk.

Sec. 12. Section 15.32.570, chapter 11, Laws of 1961 and RCW 15.32.570 are each amended to read as follows:

No person shall remove from a place under quarantine a container which has been or is to be used to contain milk, skimmed milk, buttermilk, cream, ice cream, or ice milk, without permission of the ~~((health officer in charge))~~ director.

Sec. 13. Section 1, chapter 102, Laws of 1969 ex. sess. and RCW 15.36.011 are each amended to read as follows:

The director of agriculture, by rule, may establish and/or amend definitions and standards for milk and milk products. Such definitions and standards established by the director shall conform, insofar as practicable, with the definitions and standards for milk and milk products promulgated by the ~~((secretary of the United States department of health, education and welfare))~~ federal food and drug administration. The director of agriculture, by rule, may likewise establish and/or amend definitions and standards for products whether fluid, powdered or frozen, compounded or manufactured to resemble or in semblance or imitation of genuine dairy products as defined under the provisions of RCW 15.32.120, 15.36.011, 15.36.075, 15.36.540 and 15.36.600 or chapter 15.32 RCW as enacted or hereafter amended. Such products made to resemble or in semblance or imitation of genuine dairy products shall conform with all the provisions of chapter 15.38 RCW and be made wholly of nondairy products.

All such products compounded or manufactured to resemble or in semblance or imitation of a genuine dairy product shall set forth on the container or labels the specific generic name of each ingredient used.

In the event any product compounded or manufactured to resemble or in semblance or imitation of a genuine dairy product contains vegetable fat or oil, the generic name of such fat or oil shall be set forth on the label. If a blend or variety of oils is used, the ingredient statement shall contain the term 'vegetable oil' in the appropriate place in the ingredient statement, with the qualifying phrase following the ingredient statement, such as 'vegetable oils are soybean, cottonseed and coconut oils' or 'vegetable oil, may be cottonseed, coconut or soybean oil.'

The labels or containers of such products compounded or manufactured to resemble or in semblance or imitation of genuine dairy products shall not use dairy terms or words or designs commonly associated with dairying or genuine dairy products, except as to the extent that such words or terms are necessary to meet legal requirements for labeling: PROVIDED, That the term 'nondairy' may be used as an informative statement.

The director may adopt any other rules necessary to carry out the purposes of chapters 15.36 and 15.38 RCW: PROVIDED, That these rules shall not restrict the display or promotion of products covered under this section. The adoption of all rules provided for in this section shall be subject to the provisions of chapter ~~((34.04))~~ 34.05 RCW as enacted or hereafter amended concerning the adoption of rules.

Sec. 14. Section 15.36.020, chapter 11, Laws of 1961 and RCW 15.36.020 are each amended to read as follows:

The terms 'pasteurization,' 'pasteurize' and similar terms, ((refer to the process of heating every particle of milk or milk products to at least one hundred forty-three degrees Fahrenheit; and holding at such temperature for at least thirty minutes, or to at least one hundred sixty-one degrees Fahrenheit, and holding at such temperature for at least fifteen seconds in approved and properly operated equipment under the provisions of this chapter: PROVIDED, That nothing contained in this definition shall be construed as disbaring any other process which has been demonstrated to be equally efficient and which is approved by the director)) shall mean the process of heating every particle of milk or milk product in properly designed and operated equipment, to one of the temperatures given in the following table, and held continuously at or above that temperature for at least the corresponding specified time:

<u>Temperature</u>	<u>Time</u>
<u>145°F (63°C)</u>	<u>30 minutes</u>
<u>161°F (72°C)</u>	<u>15 seconds</u>
<u>191°F (89°C)</u>	<u>1.0 second</u>
<u>194°F (90°C)</u>	<u>0.5 second</u>
<u>201°F (94°C)</u>	<u>0.1 second</u>
<u>204°F (96°C)</u>	<u>0.05 second</u>
<u>212°F (100°C)</u>	<u>0.01 second</u>

If the fat content of the milk product is ten percent or more, or if it contains added sweeteners, the specified temperature shall be increased by 5°F (3°C). Eggnog shall be heated to at least the following temperature and time specifications:

<u>Temperature</u>	<u>Time</u>
<u>155°F (69°C)</u>	<u>30 minutes</u>
<u>175°F (80°C)</u>	<u>25 seconds</u>
<u>180°F (83°C)</u>	<u>15 seconds</u>

Nothing in this definition shall be construed as barring any other pasteurization process which has been recognized by the federal food and drug administration to be equally efficient and which is approved by the director.

Sec. 15. Section 15.36.060, chapter 11, Laws of 1961 as amended by section 2, chapter 226, Laws of 1984 and RCW 15.36.060 are each amended to read as follows:

The word 'person' means any individual, partnership, firm, corporation, company, trustee, or association.

'Director' means the director of agriculture of the state of Washington or his duly authorized representative.

'Department' means the state department of agriculture.

~~('Health officer' means the county or city health officer as defined in Title 70 RCW, or his authorized representatives.~~

~~Where the term 'and/or' is used 'and' shall apply where possible, otherwise 'or' shall apply.')~~

Sec. 16. Section 15.36.080, chapter 11, Laws of 1961 and RCW 15.36.080 are each amended to read as follows:

It shall be unlawful for any person to transport, or to sell, or offer for sale, or to have in storage where milk or milk products are sold or served, any milk or milk product defined in this chapter, who does not possess an appropriate permit from the director ~~((or an authorized inspection service as defined in this chapter)).~~

Every milk producer, milk distributor, milk hauler, and operator of a milk plant shall secure a permit to conduct such operation as defined in this chapter. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons and/or locations.

Such a permit may be temporarily suspended by the director ~~((or health officer of a milk inspection unit))~~ upon violation by the holder of any of the terms of this chapter, or for interference with the director ~~((or health officer of a milk inspection unit))~~ in the performance of his duties, or revoked after an opportunity for a hearing by the director upon serious or repeated violations.

Sec. 17. Section 15.36.110, chapter 11, Laws of 1961 as amended by section 1, chapter 297, Laws of 1981 and RCW 15.36.110 are each amended to read as follows:

During each six months period at least four samples of milk and cream from each dairy farm and each milk plant shall be taken on separate days and examined by the director: PROVIDED, That in the case of raw milk for pasteurization the director may accept the results of nonofficial laboratories which have been officially checked periodically and found satisfactory. Samples of other milk products may be taken and examined by the director as often as he deems necessary. Samples of milk and milk products from stores, cafes, soda fountains, restaurants, and other places where milk or milk products are sold shall be examined as often as the director may require. Bacterial plate counts, direct microscopic counts, coliform determinations, phosphatase tests and other laboratory tests shall conform to the procedures in the current edition of 'Standard Methods For The Examination Of Dairy Products,' recommended by the American public health association. Examinations may include such other chemical and physical determinations as the director may deem necessary for the detection of adulteration. Samples may be taken by the director at any time prior to the final delivery of the milk or milk products. All proprietors of cafes, stores, restaurants, soda fountains, and other similar places shall furnish the director, upon his request, with the name of all distributors from whom their milk and milk products are obtained. Bio-assays of the vitamin D content of vitamin D milk shall be made when required by the director in a laboratory approved by him for such examinations.

If two of the last four consecutive bacterial counts, somatic cell counts, coliform determinations, or cooling temperatures, taken on separate days, exceed the standard for milk or milk products, the director shall send written notice thereof to the person concerned. This notice shall remain in effect so long as two of the last four consecutive samples exceed the limit of the standard. An additional sample shall be taken within twenty-one days of the sending of the notice, but not before the lapse of three days, except sixty days must lapse before an official somatic cell count can be taken. The director shall degrade or suspend the grade A permit whenever the standard is again violated ~~((by more than one of the last four consecutive samples))~~ so that three of the last five consecutive samples exceed the limit of the standard. A grade A permit shall subsequently be reinstated in notice status upon receipt of sample results that are within the standard for which the suspension occurred.

In case of violation of the phosphatase test requirements, the cause of underpasteurization shall be determined and removed before milk or milk products from this plant can again be sold as pasteurized milk or milk products.

Sec. 18. Section 1, chapter 226, Laws of 1984 and RCW 15.36.115 are each amended to read as follows:

(1) If the results of an antibiotic ~~((or)),~~ pesticide, or other drug residue test are above the actionable level ~~((as determined by))~~ established in the pasteurized milk ordinance published by the United States public health service and determined using procedures set forth in the current edition of 'Standard Methods for the Examination of Dairy Products,' a producer holding a grade A permit is subject to a civil penalty. The penalty shall be in an amount equal to one-half the value of the sum of the volumes of milk equivalent produced under the permit on the day prior to and the day of the adulteration. The value of the milk shall be computed by the weighted average price for the federal market order under which the milk is delivered.

(2) The penalty is imposed by the department giving a written notice which is either personally served upon or transmitted by certified mail, return receipt requested, to the person incurring the penalty. The notice of the civil penalty shall be a final order of the department unless, within fifteen days after the notice is received, the person incurring the penalty appeals the penalty by filing a notice of appeal with the department. If a notice of appeal is filed in a timely manner, a contested case hearing shall be conducted on behalf of the department by the office of administrative hearings in accordance with chapters ~~((34-04))~~ 34.05 and 34.12 RCW and, to the extent they are not inconsistent with this subsection, the provisions of RCW 15.36.580. At the conclusion of the hearing, the department shall determine whether the penalty should be affirmed, ~~((reduced, or not imposed))~~ and, if so, shall issue a final order setting forth the civil penalty assessed, if any. The order may be appealed to superior court in accordance with chapter ~~((34-04))~~ 34.05 RCW. Tests performed for antibiotic ~~((or)), pesticide, or other drug~~ residues by a state or certified industry laboratory of a milk sample drawn by a department official or a licensed dairy technician shall be admitted as prima facie evidence of the presence or absence of an antibiotic ~~((or)), pesticide, or other drug~~ residue.

(3) Any penalty imposed under this section is due and payable upon the issuance of the final order by the department. The penalty shall be deducted by the violator's marketing organization from the violator's final payment for the month following the issuance of the final order. The department shall promptly notify the violator's marketing organization of any penalties contained in the final order.

(4) All penalties received or recovered from violations of this section shall be remitted monthly by the violator's marketing organization to the Washington state dairy products commission and deposited in a revolving fund to be used solely for the purposes of education and research. No appropriation is required for disbursements from this fund.

(5) In case of a violation of the antibiotic ~~((or)), pesticide, or other drug~~ residue test requirements, an investigation shall be made to determine the cause of the residue which shall be corrected. Additional samples shall be taken as soon as possible and tested as soon as feasible for antibiotic ~~((or)), pesticide, or other drug~~ residue by the department or a certified laboratory. After the notice has been received by the producer and the results of a test of such an additional sample indicate that residues are above the actionable level or levels referred to in subsection (1) of this section, the producer's milk may not be sold until a sample is shown to be below the actionable levels established for the residues.

Sec. 19. Section 15.36.300, chapter 11, Laws of 1961 and RCW 15.36.300 are each amended to read as follows:

Grade C raw milk is raw milk ~~((of a producer-distributor which violates any of the requirements for grade B))~~ which violates any of the requirements of grade A raw milk.

Sec. 20. Section 15.36.425, chapter 11, Laws of 1961 as amended by section 22, chapter 141, Laws of 1979 and RCW 15.36.425 are each amended to read as follows:

The health ~~((officer))~~ authority or a physician authorized by him shall examine and take careful morbidity history of every person connected with a pasteurization plant, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state department of social and health services for such examinations, and if the results justify such persons shall be barred from such employment.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health ~~((officer))~~ official may require for the purpose of determining freedom from infection.

Sec. 21. Section 15.36.460, chapter 11, Laws of 1961 and RCW 15.36.460 are each amended to read as follows:

Grade C pasteurized milk is pasteurized milk which violates any of the requirements for grade ~~((B))~~ A pasteurized milk.

Sec. 22. Section 15.36.470, chapter 11, Laws of 1961 and RCW 15.36.470 are each amended to read as follows:

No milk or milk products shall be sold to the final consumer or to restaurants, soda fountains, grocery stores, or similar establishments except ~~((certified milk pasteurized, certified raw milk;))~~ grade A milk pasteurized, or grade A milk-raw, and the director may revoke the permit of any milk distributor failing to qualify for one of the above grades, or in lieu thereof may degrade his product and permit its sale during a period not exceeding thirty days or in emergencies during such longer period as he may deem necessary.

Sec. 23. Section 15.36.520, chapter 11, Laws of 1961 and RCW 15.36.520 are each amended to read as follows:

No person who is affected with any disease in a communicable form or is a carrier of such disease shall work at any dairy farm or milk plant in any capacity which brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or

equipment; and no dairy farm or milk plant shall employ in any such capacity any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease. Any producer or distributor of milk or milk products upon whose dairy farm or in whose milk plant any communicable disease occurs, or who suspects that any employee has contracted any disease shall notify the health ~~((officer))~~ authority immediately.

Sec. 24. Section 15.36.540, chapter 11, Laws of 1961 as amended by section 6, chapter 102, Laws of 1969 ex. sess. and RCW 15.36.540 are each amended to read as follows:

~~((Save as in this chapter provided))~~ Except as otherwise provided in this chapter, this law shall be enforced by the director in accordance with the interpretation contained in the ~~((1965 edition of the United States public health service))~~ food and drug administration pasteurized milk ((code)) ordinance: PROVIDED, That the director may ~~((by rule adopt any subsequent amendments to such code as interpretations))~~ promulgate rules covering any standard set forth in the pasteurized milk ordinance if the rules are consistent with the pasteurized milk ordinance except the standards may be more stringent based upon current industry or public health information for the enforcement of this chapter whenever he determines that any such ~~((amendments))~~ rules are necessary to carry out the purposes of RCW 15.32.120, 15.36.011, 15.36.075, 15.36.540 and 15.36.600.

Sec. 25. Section 15.36.550, chapter 11, Laws of 1961 as amended by section 23, chapter 141, Laws of 1979 and RCW 15.36.550 are each amended to read as follows:

The director shall have the power and duty ~~((+))~~ to adopt, issue and promulgate from time to time necessary rules, regulations and orders for the enforcement of this chapter ~~((+))~~ with the approval of the secretary of social and health services to adopt standards of requirements necessary for approval of local milk inspection service units hereinafter provided for, the basic standards in this connection being a sufficient force of qualified personnel under the general direction of a health officer, and sufficient laboratory facilities to insure compliance with the provisions of this chapter and the rules and regulations promulgated thereunder; and ~~((3))~~ to cancel; and with the consent of the secretary of social and health services, to approve the issuance of certificates of approval for such local milk inspection service units).

Sec. 26. Section 15.36.580, chapter 11, Laws of 1961 as last amended by section 175, chapter 202, Laws of 1987 and RCW 15.36.580 are each amended to read as follows:

In case of a written protest from any fluid milk producer ~~((:))~~ or fluid milk distributor ~~((+ or health officer;))~~ concerning the enforcement of any provisions of this chapter or of any rules and regulations thereunder, the director, or an administrative law judge within ten days after receipt of such protest and after five days written notice thereof to the party against whom the protest is made, shall hold a summary hearing in the county where either the party protesting or protested against resides, upon the completion of which the director or an administrative law judge shall make such written findings of fact and order as the circumstances may warrant: PROVIDED, That if the protest originates with a producer, the hearings shall be held in the county where the protesting producer resides. Such findings and order shall be final and conclusive upon all parties from and after their effective date, which date shall be five days after being signed and deposited postage prepaid in the United States mails addressed to the last known address of all said parties. An appeal from such findings or order may be taken in the manner provided under chapter ~~((34-04))~~ 34.05 RCW.

Sec. 27. Section 15.28.010, chapter 11, Laws of 1961 as last amended by section 1, chapter 11, Laws of 1973 and RCW 15.28.010 are each amended to read as follows:

As used in this chapter:

- (1) 'Commission' means the Washington state fruit commission.
- (2) 'Shipment' or 'shipped' includes loading in a conveyance to be transported to market for resale, and includes delivery to a processor or processing plant, but does not include movement from the orchard where grown to a packing or storage plant within this state for fresh shipment;
- (3) 'Handler' means any person who ships or initiates the shipping operation, whether as owner, agent or otherwise;
- (4) 'Dealer' means any person who handles, ships, buys, or sells soft tree fruits other than those grown by him, or who acts as sales or purchasing agent, broker, or factor of soft tree fruits;
- (5) 'Processor' or 'processing plant' includes every person or plant receiving soft tree fruits for the purpose of drying, dehydrating, canning, pressing, powdering, extracting, cooking, quick-freezing, brining, or for use in manufacturing a product;
- (6) 'Soft tree fruits' mean Bartlett pears and all varieties of cherries, apricots, prunes, plums, and peaches, which includes all varieties of nectarines. 'Bartlett pears' means and includes all standard Bartlett pears and all varieties, strains, subvarieties, and sport varieties of Bartlett pears including Red Bartlett pears, that are harvested and utilized at approximately the same time and approximately in the same manner.
- (7) 'Commercial fruit' or 'commercial grade' means soft tree fruits meeting the requirements of any established or recognized fresh fruit or processing grade. Fruit bought or sold on orchard run basis and not subject to cull weighback shall be deemed to be 'commercial fruit.'

(8) 'Cull grade' means fruit of lower than commercial grade except when such fruit included with commercial fruit does not exceed the permissible tolerance permitted in a commercial grade;

(9) 'Producer' means any person who is a grower of any soft tree fruit;

(10) 'District No. 1' or 'first district' includes the counties of Chelan, Okanogan, Grant, Douglas, Ferry, Stevens, Pend Oreille, Spokane and Lincoln;

(11) 'District No. 2' or 'second district' includes the counties of Kittitas, Yakima, and Benton county north of the Yakima river;

(12) 'District No. 3' or 'third district' comprises all of the state not included in the first and second districts.

Sec. 28. Section 15.28.160, chapter 11, Laws of 1961 as amended by section 3, chapter 51, Laws of 1963 and RCW 15.28.160 are each amended to read as follows:

An annual assessment is hereby levied upon all commercial soft tree fruits grown in ~~((this))~~ the state or packed as Washington soft tree fruit of fifty cents per two thousand pounds (net weight) of said fruits, when shipped fresh or delivered to processors, whether in bulk, loose in containers, or packaged in any style of package, except, that all sales of five hundred pounds or less of such fruits sold by the producer direct to the consumer shall be exempt from said assessments. Sweet cherries which are brined are deemed to be commercial soft tree fruit and therefore assessable hereunder.

Sec. 29. Section 51, chapter 256, Laws of 1961 and RCW 15.65.510 are each amended to read as follows:

All parties to ~~((any))~~ a marketing agreement, all persons subject to a marketing order, and all producers, dealers, and handlers ~~((and other persons subject to any marketing order))~~ of a commodity governed by the provisions of a marketing agreement or order shall severally from time to time, upon the request of the director ~~((or his)),~~ the director's designee, or the commodity board established under the marketing agreement or order, furnish ~~((him with))~~ such information ~~((as he))~~ and permit such inspections as the director, the director's designee, or the commodity board finds to be necessary to ~~((enable him to))~~ effectuate the declared policies of this chapter and the purposes of such agreement or order ~~((or)),~~ information and inspections may also be required by the director, the director's designee, or the commodity board to ascertain and determine the extent to which such agreement or order has been carried out or has effectuated such policies and purposes, or to determine whether or not there has been any abuse of the privilege of exemption from laws relating to trusts, monopolies and restraints of trade. Such information shall be furnished in accordance with forms and reports to be prescribed by the director ~~((or his)),~~ the director's designee, or the commodity board. ~~((For the purpose of ascertaining the correctness of any report made to the director or his designee pursuant to this section or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished.))~~ The director ~~((or his)),~~ the director's designee, or a designee of the commodity board is hereby authorized to inspect crops and examine such books, papers, records, copies of tax reports, accounts, correspondence, contracts, documents, or memoranda as he or she deems relevant and which are within the control:

(1) ~~Of any such party to such marketing agreement or~~ ~~((any such producer or handler under such marketing order)),~~ any person subject to any marketing order from whom such report was requested, or

(2) Of any person having, either directly or indirectly, actual or legal control of or over such party, producer or handler of such records, or

(3) Of any subsidiary of any such party, producer, handler or person.

To carry out the purposes of this section the director or ~~((his))~~ the director's designee upon giving due notice, may hold hearings, take testimony, administer oaths, subpoena witnesses and issue subpoenas for the production of books, records, documents or other writings of any kind. RCW 15.65.080, 15.65.090, 15.65.100 and 15.65.110, together with such other regulations consistent therewith as the director may from time to time prescribe, shall apply with respect to any such hearing. All information furnished to or acquired by the director or ~~((his))~~ the director's designee pursuant to this section shall be kept confidential by all officers and employees of the director ~~((and/or his))~~ or the director's designee and only such information so furnished or acquired as the director deems relevant shall be disclosed by ~~((him))~~ the director or them, and then only in a suit or administrative hearing brought at the direction or upon the request of the director or to which ~~((he or his))~~ the director or the director's designee or any officer of the state of Washington is a party, and involving the marketing agreement or order with reference to which the information so to be disclosed was furnished or acquired.

Nothing in this section shall prohibit:

(1) The issuance of general statements based upon the reports of a number of persons subject to any marketing agreement or order, which statements do not identify the information furnished by any person~~(:);~~ or

(2) The publication by the director or ~~((his))~~ the director's designee of the name of any person violating any marketing agreement or order, together with a statement of the particular

provisions and the manner of the violation of the marketing agreement or order so violated by such person.

Sec. 30. Section 3, chapter 247, Laws of 1985 and RCW 15.86.030 are each amended to read as follows:

A producer or a vendor shall not sell or offer for sale any food product with the representation that the product is an organic food if the producer or vendor knows, or has reason to know, that the food has been grown, raised, or produced with the use of any of the following substances: (1) Fertilizers but excluding manures and other natural fertilizers; (2) any of the following when manufactured by man: Pesticides, hormones, antibiotics, or growth stimulants but excluding *Bacillus thuringensis* and other natural pesticides; (3) arsenicals; or (4) similar substances listed by the director under RCW 15.86.060. A food product shall be considered as 'grown, raised, or produced' with a substance specified in this section or listed by the director under RCW 15.86.060 if the substance is applied at any time before sale to retail purchasers. ~~((Also, crops shall be considered 'grown, raised, or produced' with such a substance if, within one year before seed planting or transplanting or, in the case of perennial crops, within one year before the appearance of the flower bud, the substance is applied to the soil or other growing medium.))~~

NEW SECTION. Sec. 31. A new section is added to chapter 15.86 RCW to read as follows:

(1) Beginning January 1, 1991, it shall be unlawful to sell or offer for sale as organic food, products that have been grown, raised, or produced if harvest of the food product occurs within two years of the most recent use of any prohibited pesticide, herbicide, or fungicide and two years after the most recent use of a prohibited fertilizer.

(2) Beginning January 1, 1992, it shall be unlawful to sell or offer for sale as organic food, products that have been grown, raised, or produced if harvest of the food product occurs within three years of the most recent use of any prohibited pesticide, herbicide, or fungicide and two years after the most recent use of a prohibited fertilizer.

(3) Beginning January 1, 1990, food products may be sold as 'transition to organic food' if they have had no applications of prohibited substances within one year before harvest of the food crop. The products must specify first or second-year transition on their labels.

Sec. 32. Section 2, chapter 247, Laws of 1985 and RCW 15.86.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Director' means the director of the department of agriculture or the director's designee.

(2) 'Organic food' means any food product, including meat, dairy, and beverage, that is marketed using the term organic or any derivative of organic, other than the phrase 'transition to organic food,' in its labeling or advertising.

(3) 'Producer' means any person or organization who or which (a) grows, raises, or produces a food product; and (b) sells the food product as, or offers it for sale as, an organic food.

(4) 'Vendor' means anyone who sells organic food to the consumer or another vendor.

(5) 'Transition to organic food' means any food product that satisfies all of the requirements of organic food except the time requirements and satisfied all of the requirements of section 31 of this act.

NEW SECTION. Sec. 33. A new section is added to chapter 15.86 RCW to read as follows:

(1) A producer or a vendor shall not sell or offer for sale any food product with the representation that the food product is a transition to organic food if the producer or vendor knows, or has reason to know, that the food product does not satisfy the requirements of RCW 15.86.020(5).

(2) A producer shall not sell to a vendor any food product that the producer represents as a transition to organic food unless, before the sale, the producer provides the vendor with a sworn statement that the producer has grown, raised, or produced the product in conformance with RCW 15.86.020(5) and section 31 of this act.

Sec. 34. Section 12, chapter 393, Laws of 1987 and RCW 15.86.070 are each amended to read as follows:

The director may adopt rules establishing a certification program for producers and processors of organic or transition to organic food. The rules may govern, but are not limited to governing: The number and scheduling of ~~((on-farm))~~ on-site visits, both announced and unannounced, by certification personnel; recordkeeping requirements; and the submission of product samples for chemical analysis. The rules shall include a fee schedule that will provide for the recovery of the full cost of the ~~((certification))~~ inspection program. Fees collected under this section shall be deposited in an account within the agricultural local fund and the revenue from such fees shall be used solely for carrying out the provisions of this section, and no appropriation is required for disbursement from the fund. The director may employ such personnel as are necessary to carry out the provisions of this section.

Sec. 35. Section 5, chapter 22, Laws of 1957 as amended by section 14, chapter 296, Laws of 1981 and RCW 16.36.110 are each amended to read as follows:

A violation of or a failure to comply with any provision of this chapter or the rules adopted under this chapter shall be a ~~((misdemeanor. PROVIDED, That any violation of RCW 16.36.636;~~

16.36.040, 16.36.050, or that part of RCW 16.36.060 which makes it unlawful for any person to wilfully hinder, obstruct, or resist the director of agriculture or any duly authorized representative, or any peace officer acting under him or them when engaged in the performance of the duties or in the exercise of the powers conferred by this chapter shall be a) gross misdemeanor. Each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of RCW 16.36.005, 16.36.020, 16.36.103, 16.36.105, 16.36.107, 16.36.108 or 16.36.109 may be enjoined from continuing such violation.

Sec. 36. Section 19, chapter 67, Laws of 1969 as amended by section 5, chapter 26, Laws of 1977 ex. sess. and RCW 19.94.190 are each amended to read as follows:

The director shall enforce the provisions of this chapter and shall issue from time to time reasonable rules (~~and regulations~~) for enforcing and carrying out the purposes of this chapter. Such rules (~~and regulations~~) shall have the effect of law and may include (1) standards of net weight, measure, or count, and reasonable standards of fill for any commodity in package form, (2) rules governing the technical and reporting procedures to be followed, and the report and record forms and marks of rejection to be used by the director and city sealers in the discharge of their official duties, (3) rules governing technical test procedures, reporting procedures, record and reporting forms to be used by commercial firms when installing, repairing or testing commercial weights or measures, (4) rules providing that all weights and measures used by commercial firms in repairing or servicing commercial weighing and measuring devices shall be calibrated by the department and be directly traceable to state standards and shall be submitted to the department for calibration and certification as necessary and/or at such reasonable intervals as may be established or required by the director, (5) exemptions from the sealing or marking requirements of RCW 19.94.250 with respect to weights and measures of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question, (6) rules that allow the director to establish fees for weighing, measuring, and providing calibration services performed by the weights and measures laboratory, with all money collected under this subsection paid to the director and deposited in an account within the agricultural local fund to be used for the repair and maintenance of weights and measures devices and other related functions, (7) exemptions from the requirements of RCW 19.94.200 and 19.94.210 for testing, with respect to classes of weights and measures found to be of such character that periodic retesting is unnecessary to continued accuracy. These regulations shall include specifications, tolerances, and regulations for weights and measures of the character of those specified in RCW 19.94.210, designed to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to the official standards, those (a) that are not accurate, (b) that are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly, or (c) that facilitate the perpetration of fraud. The specifications, tolerances, and regulations for commercial weighing and measuring devices, together with amendments thereto, as recommended by the national bureau of standards Handbook 44, third edition as published at the time of the enactment of this chapter shall be the specifications, tolerances, and regulations for commercial weighing and/or measuring devices of the state. To promote uniformity, any supplements or amendments to Handbook 44 or any similar subsequent publication of the national bureau of standards shall be deemed to have been adopted under this section. The director may, however, within thirty days of the publication or effective date of Handbook 44 or any supplements, amendments, or similar publications give public notice that a hearing will be held to determine if such publications should not be applicable under this section. The hearing shall be conducted under chapter ~~(34.04)~~ 34.05 RCW. For the purpose of this chapter, apparatus shall be deemed to be 'correct' when it conforms to all applicable requirements promulgated as specified in this section; all other apparatus shall be deemed to be 'incorrect'.

Sec. 37. Section 1, chapter 139, Laws of 1959 as last amended by section 6, chapter 178, Laws of 1986 and RCW 20.01.010 are each amended to read as follows:

As used in this title the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) 'Director' means the director of agriculture or his duly authorized representative.

(2) 'Person' means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(3) 'Agricultural product' means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form and livestock. When used in RCW 60.13.020, 'agricultural product' means horticultural, viticultural, and berry products, hay and straw, and turf and forage seed and applies only when such products are delivered to a processor or conditioner in an unprocessed form.

(4) 'Producer' means any person engaged in the business of growing or producing any agricultural product, whether as the owner of the products, or producing the products for others holding the title thereof.

(5) 'Consignor' means any producer, person, or his agent who sells, ships, or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale, or resale.

(6) 'Commission merchant' means any person who receives on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of the consignor, or who accepts any farm product in trust from the consignor thereof for the purpose of resale, or who sells or offers for sale on commission any agricultural product, or who in any way handles for the account of or as an agent of the consignor thereof, any agricultural product.

(7) 'Dealer' means any person other than a cash buyer, as defined in subsection (10) of this section, who solicits, contracts for, or obtains from the consignor thereof for reselling or processing, title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing and includes any person, other than one who acts solely as a producer, who retains title in an agricultural product and delivers it to a producer for further production or increase. For the purposes of this chapter, the term dealer includes any person who purchases livestock on behalf of and for the account of another, or who purchases cattle in another state or country and imports these cattle into this state for resale.

(8) 'Limited dealer' means any person operating under the alternative bonding provision in RCW 20.01.211.

(9) 'Broker' means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product, but no broker may handle the agricultural products involved or proceeds of the sale.

(10) 'Cash buyer' means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession, or control of any agricultural product or who contracts for the title, possession, or control of any agricultural product, or who buys or agrees to buy for resale any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product, in coin or currency, lawful money of the United States. However, a cashier's check, certified check, or bankdraft may be used for the payment. For the purposes of this subsection, 'agricultural product,' does not include hay, grain, straw, or livestock.

(11) 'Agent' means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, acts as liaison between a consignor and a principal, or receives, contracts for, or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of that business at any location other than at the principal place of business of his employer. With the exception of an agent for a commission merchant or dealer handling horticultural products, an agent may operate only in the name of one principal and only to the account of that principal.

(12) 'Retail merchant' means any person operating from a bona fide or established place of business selling agricultural products twelve months of each year.

(13) 'Fixed or established place of business' for the purpose of this chapter means any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered, and generally dealt in in quantities reasonably adequate for and usually carried for the requirements of such a business, and that is recognized as a permanent business at such place, and carried on as such in good faith and not for the purpose of evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, which personnel are available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

(14) 'Processor' means any person, firm, company, or other organization that purchases agricultural crops from a consignor and that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner whatsoever for eventual resale.

(15) 'Pooling contract' means any written agreement whereby a consignor delivers a horticultural product to a commission merchant under terms whereby the commission merchant may commingle the consignor's horticultural products for sale with others similarly agreeing, which must include all of the following:

(a) A delivery receipt for the consignor that indicates the variety of horticultural product delivered, the number of containers, or the weight and tare thereof;

(b) Horticultural products received for handling and sale in the fresh market shall be accounted for to the consignor with individual pack-out records that shall include variety, grade, size, and date of delivery. Individual daily packing summaries shall be available

within forty-eight hours after packing occurs. However, platform inspection shall be acceptable by mutual contract agreement on small deliveries to determine variety, grade, size, and date of delivery:

(c) Terms under which the commission merchant may use his judgment in regard to the sale of the pooled horticultural product;

(d) The charges to be paid by the consignor as filed with the state of Washington;

(e) A provision that the consignor shall be paid for his pool contribution when the pool is in the process of being marketed in direct proportion, not less than eighty percent of his interest less expenses directly incurred, prior liens, and other advances on the grower's crop unless otherwise mutually agreed upon between grower and commission merchant.

(16) 'Date of sale' means the date agricultural products are delivered to the person buying the products.

(17) ~~((17))~~ 'Boom loader' means a person who owns or operates, or both, a mechanical device mounted on a vehicle and used to load hay or straw for compensation;

~~((18))~~ 'Conditioner' means any person, firm, company, or other organization that receives turf, forage, or vegetable seeds from a consignor for drying or cleaning.

~~((19))~~ (18) 'Seed bailment contract' means any contract meeting the requirements of chapter 15.48 RCW.

~~((20))~~ (19) 'Proprietary seed' means any seed that is protected under the Federal Plant Variety Protection Act.

~~((21))~~ (20) 'Licensed public weighmaster' means any person, licensed under the provisions of chapter 15.80 RCW, who weighs, measures, or counts any commodity or thing and issues therefor a signed certified statement, ticket, or memorandum of weight, measure, or count upon which the purchase or sale of any commodity or upon which the basic charge of payment for services rendered is based.

~~((22))~~ (21) 'Certified weight' means any signed certified statement or memorandum of weight, measure or count issued by a licensed public weighmaster in accordance with the provisions of chapter 15.80 RCW.

Sec. 38. Section 3, chapter 139, Laws of 1959 as last amended by section 10, chapter 254, Laws of 1988 and RCW 20.01.030 are each amended to read as follows:

This chapter does not apply to:

(1) Any cooperative marketing associations or federations incorporated under, or whose articles of incorporation and bylaws are equivalent to, the requirements of chapter 23.86 RCW or chapter 24.32 RCW, except as to that portion of the activities of the association or federation that involve the handling or dealing in the agricultural products of nonmembers of the organization: PROVIDED, That the associations or federations may purchase up to fifteen percent of their gross from nonmembers for the purpose of filling orders: PROVIDED FURTHER, That if the cooperative or association acts as a processor as defined in RCW 20.01.500(2) and markets the processed agricultural crops on behalf of the grower or its own behalf, the association or federation is subject to the provisions of RCW 20.01.500 through 20.01.560 and the license provision of this chapter excluding bonding provisions: PROVIDED FURTHER, That none of the foregoing exemptions in this subsection apply to any such cooperative or federation dealing in or handling grain in any manner, and not licensed under the provisions of chapter 22.09 RCW;

(2) Any person who sells exclusively his or her own agricultural products as the producer thereof;

(3) Any public livestock market operating under a bond required by law or a bond required by the United States to secure the performance of the public livestock market's obligation. However, any such market operating as a livestock dealer or order buyer, or both, is subject to all provisions of this chapter except for the payment of the license fee required in RCW 20.01.040;

(4) Any retail merchant having a bona fide fixed or permanent place of business in this state, but only for the retail merchant's retail business conducted at such fixed or established place of business;

(5) Any person buying farm products for his or her own use or consumption;

(6) Any warehouseman or grain dealer licensed under the state grain warehouse act, chapter 22.09 RCW, with respect to his or her handling of any agricultural product as defined under that chapter;

(7) Any nurseryman who is required to be licensed under the horticultural laws of the state with respect to his or her operations as such licensee;

(8) Any person licensed under the now existing dairy laws of the state with respect to his or her operations as such licensee;

(9) Any producer who purchases less than fifteen percent of his or her volume to complete orders;

(10) Any person, association, or corporation regulated under chapter 67.16 RCW and the rules adopted thereunder while performing acts regulated by that chapter and the rules adopted thereunder((:

~~((11))~~ Any boom loader who loads exclusively his or her own hay or straw as the producer thereof).

Sec. 39, Section 4, chapter 139, Laws of 1959 as last amended by section 13, chapter 393, Laws of 1987 and RCW 20.01.040 are each amended to read as follows:

No person may act as a commission merchant, dealer, broker, cash buyer, or agent (— or boom-loader) without a license. Any person applying for such a license shall file an application with the director on or before January 1st of each year. The application shall be accompanied by a license fee as prescribed by the director by rule.

Sec. 40, Section 33, chapter 139, Laws of 1959 as last amended by section 1, chapter 20, Laws of 1982 and RCW 20.01.330 are each amended to read as follows:

The director may refuse to grant a license or renew a license and may revoke or suspend a license or issue a conditional or probationary order if he is satisfied after a hearing, as herein provided, of the existence of any of the following facts, which are hereby declared to be a violation of this chapter:

(1) That fraudulent charges or returns have been made by the applicant, or licensee, for the handling, sale or storage of, or for rendering of any service in connection with the handling, sale or storage of any agricultural product.

(2) That the applicant, or licensee, has failed or refused to render a true account of sales, or to make a settlement thereon, or to pay for agricultural products received, within the time and in the manner required by this chapter.

(3) That the applicant, or licensee, has made any false statement as to the condition, quality or quantity of agricultural products received, handled, sold or stored by him.

(4) That the applicant, or licensee, directly or indirectly has purchased for his own account agricultural products received by him upon consignment without prior authority from the consignor together with the price fixed by consignor or without promptly notifying the consignor of such purchase. This shall not prevent any commission merchant from taking to account of sales, in order to close the day's business, miscellaneous lots or parcels of agricultural products remaining unsold, if such commission merchant shall forthwith enter such transaction on his account of sales.

(5) That the applicant, or licensee, has intentionally made any false or misleading statement as to the conditions of the market for any agricultural products.

(6) That the applicant, or licensee, has made fictitious sales or has been guilty of collusion to defraud the consignor.

(7) That a commission merchant to whom any consignment is made has reconsigned such consignment to another commission merchant and has received, collected, or charged by such means more than one commission for making the sale thereof, for the consignor, unless by written consent of such consignor.

(8) That the licensee was guilty of fraud or deception in the procurement of such license.

(9) That the licensee or applicant has failed or refused to file with the director a schedule of his charges for services in connection with agricultural products handled on account of or as an agent of another, or that the applicant, or licensee, has indulged in any unfair practice.

(10) That the licensee has rejected, without reasonable cause, or has failed or refused to accept, without reasonable cause, any agricultural product bought or contracted to be bought from a consignor by such licensee; or failed or refused, without reasonable cause, to furnish or provide boxes or other containers, or hauling, harvesting, or any other service contracted to be done by licensee in connection with the acceptance, harvesting, or other handling of said agricultural products bought or handled or contracted to be bought or handled; or has used any other device to avoid acceptance or unreasonably to defer acceptance of agricultural products bought or handled or contracted to be bought or handled.

(11) That the licensee has otherwise violated any provision of this chapter and/or rules and regulations adopted hereunder.

(12) That the licensee has knowingly employed an agent, as defined in this chapter, without causing said agent to comply with the licensing requirements of this chapter applicable to agents.

(13) That the applicant or licensee has, in the handling of any agricultural products, been guilty of fraud, deceit, or negligence.

(14) That the licensee has failed or refused, upon demand, to permit the director or his agents to make the investigations, examination or audits, as provided in this chapter, or that the licensee has removed or sequestered any books, records, or papers necessary to any such investigations, examination, or audits, or has otherwise obstructed the same.

(15) That the licensee, without reasonable cause, has failed or refused to execute or carry out a lawful contract with a consignor.

(16) That the licensee has failed or refused to keep and maintain the records as required by this chapter and/or rules and regulations adopted hereunder.

(17) That the licensee has attempted payment by a check the licensee knows not to be backed by sufficient funds to cover such check.

(18) That the licensee has been guilty of fraud or deception in his dealings with purchasers including misrepresentation of goods as to grade, quality, weights, quantity, or any other essential fact in connection therewith.

(19) That the licensee has permitted (~~(an agent)~~) a person to in fact operate his own separate business under cover of the licensee's license and bond.

(20) That a commission merchant or dealer has failed to furnish additional bond coverage within fifteen days of when it was requested in writing by the director.

(21) That the licensee has discriminated in the licensee's dealings with consignors on the basis of race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical handicap.

Sec. 41. Section 37, chapter 139, Laws of 1959 as last amended by section 18, chapter 254, Laws of 1988 and RCW 20.01.370 are each amended to read as follows:

Every commission merchant taking control of any agricultural products for sale as such commission merchant, shall promptly make and keep for a period of (~~(one year)~~) three years, beginning on the day the sale of the product is complete, a correct record showing in detail the following with reference to the handling, sale, or storage of such agricultural products:

- (1) The name and address of the consignor.
- (2) The date received.
- (3) The quality and quantity delivered by the consignor, and where applicable the dockage, tare, grade, size, net weight, or quantity.
- (4) An accounting of all sales, including dates, terms of sales, quality and quantity of agricultural products sold, and proof of payments received on behalf of the consignor.
- (5) The terms of payment to the producer.
- (6) An itemized statement of the charges to be paid by consignor in connection with the sale.
- (7) The names and addresses of all purchasers if said commission merchant has any financial interest in the business of said purchasers, or if said purchasers have any financial interest in the business of said commission merchant, directly or indirectly, as holder of the other's corporate stock, as copartner, as lender or borrower of money to or from the other, or otherwise. Such interest shall be noted in said records following the name of any such purchaser.

(8) A lot number or other identifying mark for each consignment, which number or mark shall appear on all sales tags and other essential records needed to show what the agricultural products actually sold for.

(9) Any claim or claims which have been or may be filed by the commission merchant against any person for overcharges or for damages resulting from the injury or deterioration of such agricultural products by the act, neglect or failure of such person and such records shall be open to the inspection of the director and the consignor of agricultural products for whom such claim or claims are made.

Where a pooling arrangement is agreed to in writing between the consignor and commission merchant, the reporting requirements of subsections (4), (5), (6), and (8) of this section shall apply to the pool rather than to the individual consignor or consignment and the records of the pool shall be available for inspection by any consignor to that pool.

The commission merchant shall transmit a copy of the record required by this section to the consignor on the same day the final remittance is made to the consignor as required by RCW 20.01.430 as now or hereafter amended.

Sec. 42. Section 38, chapter 139, Laws of 1959 as last amended by section 17, chapter 254, Laws of 1988 and RCW 20.01.380 are each amended to read as follows:

Every dealer or cash buyer purchasing any agricultural products from the consignor thereof shall promptly make and keep for (~~(one year)~~) three years a correct record showing in detail the following:

- (1) The name and address of the consignor.
- (2) The date received.
- (3) The terms of the sale.
- (4) The quality and quantity delivered by the consignor, and where applicable the dockage, tare, grade, size, net weight, or quantity.
- (5) An itemized statement of any charges paid by the dealer or cash buyer for the account of the consignor.
- (6) The name and address of the purchaser: PROVIDED, That the name and address of the purchaser may be deleted from the record furnished to the consignor.
- (7) A copy of the itemized list of charges required under RCW 20.01.080 in effect on the date the terms of sale were agreed upon.

A copy of such record containing the above matters shall be forwarded to the consignor forthwith.

Livestock dealers must also maintain individual animal identification and disposition records as may be required by law, or regulation adopted by the director.

Sec. 43. Section 46, chapter 139, Laws of 1959 as last amended by section 19, chapter 254, Laws of 1988 and RCW 20.01.460 are each amended to read as follows:

(1) Any person who violates the provisions of this chapter or fails to comply with the rules adopted under this chapter is guilty of a gross misdemeanor, except as provided in subsections (2) and (3) of this section.

(2) Any commission merchant, dealer, or cash buyer, or any person assuming or attempting to act as a commission merchant, dealer, or cash buyer without a license is guilty of a class C felony who:

- (a) Imposes false charges for handling or services in connection with agricultural products.
- (b) Makes fictitious sales or is guilty of collusion to defraud the consignor.
- (c) Intentionally makes false statement or statements as to the grade, conditions, markings, quality, or quantity of goods shipped or packed in any manner.
- (d) With the intent to defraud the consignor, fails to comply with the ((payment)) requirements set forth under RCW 20.01.010(10), 20.01.390 or 20.01.430.

(3) Any person who violates the provisions of RCW 20.01.040, 20.01.080, 20.01.120, 20.01.125, 20.01.410 or 20.01.610 has committed a civil infraction.

Sec. 44. Section 16, chapter 305, Laws of 1983 as last amended by section 11, chapter 254, Laws of 1988 and RCW 22.09.011 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) 'Department' means the department of agriculture of the state of Washington.
- (2) 'Director' means the director of the department or his duly authorized representative.
- (3) 'Person' means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, two or more persons having a joint or common interest, or any unit or agency of local, state, or federal government.
- (4) 'Agricultural commodities,' or 'commodities,' means: (a) ~~((All the grains, peas, beans, lentils, corn, sorghums, malt, peanuts, and flax, and (b)))~~ Grains for which inspection standards have been established under the United States grain standards act; (b) pulses and similar commodities for which inspection standards have been established under the agricultural marketing act of 1946; and (c) other similar agricultural products ((similar to those listed in (a) of this subsection)) for which inspection standards have been established or which have been otherwise designated by the department by rule for inspection services or the warehousing requirements of this chapter.

(5) 'Warehouse,' also referred to as a public warehouse, means any elevator, mill, subterminal grain warehouse, terminal warehouse, country warehouse, or other structure or enclosure located in this state that is used or useable for the storage of agricultural products, and in which commodities are received from the public for storage, handling, conditioning, or shipment for compensation. The term does not include any warehouse storing or handling fresh fruits and/or vegetables, any warehouse used exclusively for cold storage, or any warehouse that conditions yearly less than three hundred tons of an agricultural commodity for compensation.

(6) 'Terminal warehouse' means any warehouse designated as a terminal by the department, and located at an inspection point where inspection facilities are maintained by the department and where commodities are ordinarily received and shipped by common carrier.

(7) 'Subterminal warehouse' means any warehouse that performs an intermediate function in which agricultural commodities are customarily received from dealers rather than producers and where the commodities are accumulated before shipment to a terminal warehouse.

(8) 'Station' means two or more warehouses between which commodities are commonly transferred in the ordinary course of business and that are (a) immediately adjacent to each other, or (b) located within the corporate limits of any city or town and subject to the same transportation tariff zone, or (c) at any railroad siding or switching area and subject to the same transportation tariff zone, or (d) at one location in the open country off rail, or (e) in any area that can be reasonably audited by the department as a station under this chapter and that has been established as such by the director by rule adopted under chapter ~~((34-04))~~ 34.05 RCW, or (f) within twenty miles of each other but separated by the border between Washington and Idaho or Oregon when the books and records for the station are maintained at the warehouse located in Washington.

(9) 'Inspection point' means a city, town, or other place wherein the department maintains inspection and weighing facilities.

(10) 'Warehouseman' means any person owning, operating, or controlling a warehouse in the state of Washington.

(11) 'Depositor' means (a) any person who deposits a commodity with a Washington state licensed warehouseman for storage, handling, conditioning, or shipment, or (b) any person who is the owner or legal holder of a warehouse receipt, outstanding scale weight ticket, or other evidence of the deposit of a commodity with a Washington state licensed warehouseman or (c) any producer whose agricultural commodity has been sold to a grain dealer through the dealer's place of business located in the state of Washington, or any Washington producer whose agricultural commodity has been sold to or is under the control of a grain dealer, whose place of business is located outside the state of Washington.

(12) 'Historical depositor' means any person who in the normal course of business operations has consistently made deposits in the same warehouse of commodities produced on the same land. In addition the purchaser, lessee, and/or inheritor of such land from the original

historical depositor with reference to the land shall be considered a historical depositor with regard to the commodities produced on the land.

(13) 'Grain dealer' means any person who, through his place of business located in the state of Washington, solicits, contracts for, or obtains from a producer, title, possession, or control of any agricultural commodity for purposes of resale, or any person who solicits, contracts for, or obtains from a Washington producer, title, possession, or control of any agricultural commodity for purposes of resale.

(14) 'Producer' means any person who is the owner, tenant, or operator of land who has an interest in and is entitled to receive all or any part of the proceeds from the sale of a commodity produced on that land.

(15) 'Warehouse receipt' means a negotiable or nonnegotiable warehouse receipt as provided for in Article 7 of Title 62A RCW.

(16) 'Scale weight ticket' means a load slip or other evidence of deposit, serially numbered, not including warehouse receipts as defined in subsection (15) of this section, given a depositor on request upon initial delivery of the commodity to the warehouse and showing the warehouse's name and state number, type of commodity, weight thereof, name of depositor, and the date delivered.

(17) 'Put through' means agricultural commodities that are deposited in a warehouse for receiving, handling, conditioning, or shipping, and on which the depositor has concluded satisfactory arrangements with the warehouseman for the immediate or impending shipment of the commodity.

(18) 'Conditioning' means, but is not limited to, the drying or cleaning of agricultural commodities.

(19) 'Deferred price contract' means a contract for the sale of commodities that conveys the title and all rights of ownership to the commodities represented by the contract to the buyer, but allows the seller to set the price of the commodities at a later date based on an agreed upon relationship to a future month's price or some other mutually agreeable method of price determination. Deferred price contracts include but are not limited to those contracts commonly referred to as delayed price, price later contracts, or open price contracts.

(20) 'Shortage' means that a warehouseman does not have in his possession sufficient commodities at each of his stations to cover the outstanding warehouse receipts, scale weight tickets, or other evidence of storage liability issued or assumed by him for the station.

(21) 'Failure' means:

(a) An inability to financially satisfy claimants in accordance with this chapter and the time limits provided for in it;

(b) A public declaration of insolvency;

(c) A revocation of license and the leaving of an outstanding indebtedness to a depositor;

(d) A failure to redeliver any commodity to a depositor or to pay depositors for commodities purchased by a licensee in the ordinary course of business and where a bona fide dispute does not exist between the licensee and the depositor;

(e) A failure to make application for license renewal within sixty days after the annual license renewal date; or

(f) A denial of the application for a license renewal.

(22) 'Original inspection' means an initial, official inspection of a grain or commodity.

(23) 'Reinspection' means an official review of the results of an original inspection service by an inspection office that performed that original inspection service. A reinspection may be performed either on the basis of the official file sample or a new sample obtained by the same means as the original if the lot remains intact.

(24) 'Appeal inspection' means, for commodities covered by federal standards, a review of original inspection or reinspection results by an authorized United States department of agriculture inspector. For commodities covered under state standards, an appeal inspection means a review of original or reinspection results by a supervising inspector. An appeal inspection may be performed either on the basis of the official file sample or a new sample obtained by the same means as the original if the lot remains intact.

Sec. 45. Section 2, chapter 124, Laws of 1963 as amended by section 17, chapter 305, Laws of 1983 and RCW 22.09.020 are each amended to read as follows:

The department shall administer and carry out the provisions of this chapter and rules adopted hereunder, and it has the power and authority to:

(1) Supervise the receiving, handling, conditioning, weighing, storage, and shipping of all commodities;

(2) Supervise the inspection and grading of ((all)) commodities;

(3) Approve or disapprove the facilities, including scales, of all warehouses;

(4) Approve or disapprove all rates and charges for the handling, storage, and shipment of all commodities;

(5) Investigate all complaints of fraud in the operation of any warehouse;

(6) Examine, inspect, and audit, during ordinary business hours, any warehouse licensed under this chapter, including all commodities therein and examine, inspect, audit, or record all books, documents, and records;

(7) Examine, inspect, and audit during ordinary business hours, all books, documents, and records, and examine, inspect, audit, or record records of any grain dealer licensed hereunder at the grain dealer's principal office or headquarters;

(8) Inspect at reasonable times any warehouse or storage facility where commodities are received, handled, conditioned, stored, or shipped, including all commodities stored therein and all books, documents, and records in order to determine whether or not such facility should be licensed pursuant to this chapter;

(9) Inspect at reasonable times any grain dealer's books, documents, and records in order to determine whether or not the grain dealer should be licensed under this chapter;

(10) Administer oaths and issue subpoenas to compel the attendance of witnesses, and/or the production of books, documents, and records anywhere in the state pursuant to a hearing relative to the purpose and provisions of this chapter. Witnesses shall be entitled to fees for attendance and travel, as provided in chapter 2.40 RCW;

(11) Adopt rules establishing inspection standards and procedures for grains and commodities;

(12) Adopt rules regarding the identification of commodities by the use of confetti or other similar means so that such commodities may be readily identified if stolen or removed in violation of the provisions of this chapter from a warehouse or if otherwise unlawfully transported;

~~((12))~~ (13) Adopt all the necessary rules for carrying out the purpose and provisions of this chapter. The adoption of rules under the provisions of this chapter shall be subject to the provisions of chapter ~~((34.04))~~ 34.05 RCW, the Administrative Procedure Act. When adopting rules in respect to the provisions of this chapter, the director shall hold a public hearing and shall to the best of his ability consult with persons and organizations or interests who will be affected thereby, and any final rule adopted as a result of the hearing shall be designed to promote the provisions of this chapter and shall be reasonable and necessary and based upon needs and conditions of the industry, and shall be for the purpose of promoting the well-being of the industry to be regulated and the general welfare of the people of the state.

Sec. 46. Section 29, chapter 124, Laws of 1963 as last amended by section 43, chapter 305, Laws of 1983 and RCW 22.09.290 are each amended to read as follows:

(1) Every warehouse receipt issued for commodities covered by this chapter shall embody within its written or printed terms:

(a) The grade of the commodities ~~((received))~~ as ~~((established))~~ described by the official standards of this state, unless the identity of the commodity is in fact preserved in a special pile or special bin, and an identifying mark of such pile or bin shall appear on the face of the receipt and on the pile or bin. A commodity in a special pile or bin shall not be removed or relocated without canceling the outstanding receipt and issuing a new receipt showing the change;

(b) Such other terms and conditions as required by Article 7 of Title 62A RCW: PROVIDED, That nothing contained therein requires a receipt issued for wheat to specifically state the variety of wheat by name;

(c) A clause reserving for the warehouseman the optional right to terminate storage upon thirty days' written notice to the depositor and collect outstanding charges against any lot of commodities after June 30th following the date of the receipt.

(2) Warehouse receipts issued under the United States Warehouse Act (7 USCA § 241 et seq.) are deemed to fulfill the requirements of this chapter so far as it pertains to the issuance of warehouse receipts.

Sec. 47. Section 39, chapter 124, Laws of 1963 and RCW 22.09.720 are each amended to read as follows:

The grades and standards established by the United States department of agriculture as of ~~((July 1, 1963))~~ September 30, 1988, for all commodities included within the provisions of this chapter are hereby adopted as the grades and standards for such commodities in this state: PROVIDED, That the department is hereby authorized to adopt by regulation any new or future amendments to such federal grades and standards. The department is also authorized to issue regulations whether or not in accordance with the federal government and to prescribe therein grades and standards which it may deem suitable for ~~((such))~~ inspection of commodities ~~((-except hops-))~~ in the state of Washington. In adopting any new or amendatory regulations the department shall give appropriate consideration, among other relevant factors, to the following:

(1) The usefulness of uniform federal and state grades;

(2) The common classifications given such commodities within the industry;

(3) The utility of various grades;

(4) The kind and type of grades requested by those dealing with the particular type of commodity; and

(5) The condition of the commodity with regard to its wholesomeness and purity.

Sec. 48. Section 40, chapter 124, Laws of 1963 and RCW 22.09.730 are each amended to read as follows:

Inspection ~~((and))~~ or grading of a lot ~~((or parcel))~~, partial lot, or sample of a commodity tendered for inspection ~~((and))~~ or grading under this chapter shall consist of taking and examining a representative sample thereof and making such tests as are necessary to determine its grade, condition, or other qualitative measurement. Commodities tendered for inspection must be offered and made accessible for sampling at inspection points during customary business hours.

(1) No inspector shall issue a certificate of grade, grading factors, condition, or other qualitative measurement for any commodity unless the inspection ~~((and))~~ or grading thereof be based upon a correct and representative sample of the commodity and the inspection is made under conditions which permit the determination of its true grade or quality, except as provided in subsections (2) and (3) of this section. No sample shall be deemed to be representative unless it is of the size and procured in accordance with the uniform methods prescribed by the department.

(2) An inspection may be made of a submitted sample ~~((or package))~~ of a commodity, provided that the certificate issued in such case clearly shows that the inspection ~~((and))~~ or grading covers only the submitted sample ~~((or package))~~ of such commodity and not the lot from which it ~~((was))~~ purportedly drawn.

(3) When commodities are tendered for inspection in such a manner as to make the drawing of a representative sample impossible, a qualified inspection may be made. In such case, the certificate shall clearly show the condition preventing proper sampling such as heavily loaded ~~((box))~~ car, truck, barge, or other container, or other condition.

Sec. 49. Section 41, chapter 124, Laws of 1963 and RCW 22.09.740 are each amended to read as follows:

From all commodities inspected, samples may be drawn, which samples, unless returned by agreement to the applicant, shall become the property of the state and subject to disposition by the department. Upon ~~((prior))~~ request the department may transmit a portion of such samples to interested ~~((persons))~~ parties upon payment of a reasonable fee ~~((therefor))~~ set by regulation. Official state file samples shall be retained for ~~((a))~~ periods ~~((of fifteen days))~~ prescribed by state or federal regulation.

Sec. 50. Section 42, chapter 124, Laws of 1963 as amended by section 54, chapter 305, Laws of 1983 and RCW 22.09.750 are each amended to read as follows:

The department's inspectors shall, at terminal warehouses, have exclusive control of the weighing, inspecting, and grading of the commodities that are included within the provisions of this chapter ~~((and))~~; PROVIDED, That official supervision of weighing under the United States grain standards act shall be deemed in compliance with this section. The action and the certificates of the inspectors in the discharge of their duties, as to all commodities ~~((weighed or))~~ inspected or weighed by them, shall be accepted as prima facie evidence of the correctness of the above activity. ~~((However, an appeal may be taken as provided in RCW 22.09.780 to the director of the department. Suitable books and records shall be kept in which shall be entered a record of every carload, or cargo, or part of cargo of commodities inspected or weighed by them, showing the number and initial or other designation of the vehicle or boat containing the carload, or cargo, or part of cargo, its weight, the kind of commodity, and its grade, the reason for the grade if of inferior grade, the amount of the dockage, the amount of fees and forfeitures and disposition of them; and for each vehicle or cargo, or part of cargo, of commodity inspected, they shall give a certificate of inspection showing the kind and grade of the same and the reason for all grades established. They shall also keep a record of all appeals, decisions, and a complete record of every official act, which books and records shall be open to inspection by any party in interest. They shall also furnish the agent of the railroad company, or other carrier over which the commodity was shipped or carried, a report showing the weight thereof, if requested to do so.))~~ Suitable books and records shall be maintained in which shall be entered a record of each inspection activity and the fees assessed and collected. These books and records shall be available for inspection by any party of interest during customary business hours. The records shall be maintained for periods set by regulation.

Sec. 51. Section 45, chapter 124, Laws of 1963 and RCW 22.09.780 are each amended to read as follows:

(1) In case any owner, consignee, or shipper of any commodity included under the provisions of this chapter, or his agent or broker, or any warehouseman shall be aggrieved at the grading of such commodity, ~~((such aggrieved))~~ the person may ~~((appeal to the department from such decision within fifteen))~~ request a reinspection or appeal inspection within three business days from the date of certificate ~~((by giving notice of appeal, and paying a fee to be fixed by the department, not exceeding twenty dollars, which shall be retained if the decision appealed is sustained, otherwise to be refunded. Such notice of appeal may be given by a letter or other written notice to the department stating the inspector's name, number of the certificate, date of inspection, and that such party appeals from such decision concerning such grade.~~

(2) It shall be the duty of the department upon receiving such notice of appeal to hold a hearing within twenty days and inquire into the reasonableness and correctness of such original grading and such evidence shall be received as the parties thereto may desire to offer.

After such hearing the director of the department shall make such order affirming or modifying the grade so established by the inspector as the facts may justify)). The reinspection or appeal may be based in the official file sample or upon a new sample drawn from the lot of the grain or commodity if the lot remains intact and available for sampling. The reinspection or appeal inspection shall be of the same factors and scope as the original inspection.

(2) For commodities inspected under federal standards, the reinspection and appeal inspection procedure provided in the applicable federal regulations shall apply. For commodities inspected under state standards, the department shall provide a minimum of a reinspection and appeal inspection service. The reinspection shall consist of a full review of all relevant information and a reexamination of the commodity to determine the correctness of the grade assigned or other determination. The reinspection shall be performed by an authorized inspector of the department other than the inspector who performed the original inspection unless no other inspector is available. An appeal inspection shall be performed by a supervisory inspector.

(3) If the grading of any commodity for which federal standards have been fixed and the same adopted as official state standards has not been the subject of a hearing, in accordance with subsection (2) of this section, any interested party who is aggrieved with the grading of such commodity, may, with the approval of the secretary of the United States department of agriculture, appeal to the federal grain supervisor of the supervision district in which the state of Washington may be located. Such federal grain supervisor shall confer with the department inspectors and any other interested party and shall make such tests as he may deem necessary to determine the correct grade of the commodity in question. Such federal grade certificate shall be prima facie evidence of the correct grade of the commodity in any court in the state of Washington.

Sec. 52. Section 50, chapter 124, Laws of 1963 as amended by section 25, chapter 297, Laws of 1981 and RCW 22.09.830 are each amended to read as follows:

(1) All moneys collected as warehouse license fees, fees for weighing, grading, and inspecting commodities and all other fees collected under the provisions of this chapter, except as provided in subsection (2) of this section, shall be deposited ~~((into))~~ in the grain ~~((and hop))~~ inspection revolving fund, which is hereby established. The state treasurer is the custodian of the revolving fund. Disbursements from the revolving fund shall be on authorization of the director of the department of agriculture. The revolving fund is subject to the allotment procedure provided in chapter 43.88 RCW, but no appropriation is required for disbursements from the fund. ~~((Such))~~ The fund shall be used for all expenses directly incurred by the commodity inspection division ~~((of grain and agricultural chemicals))~~ in carrying out the provisions of this chapter. The department may use so much of such fund not exceeding five percent thereof as the director of agriculture may determine necessary for research and promotional work, including rate studies, relating to wheat and wheat products.

(2) All fees collected for the inspection, grading, and testing of hops shall be deposited into the hop inspection fund, which is hereby established, and shall be retained by the department for the purpose of inspecting, grading, and testing hops. Any moneys in any fund retained by the department on July 1, 1963, and derived from hop inspection and grading shall be deposited to this hop inspection fund. For the purposes of research which would contribute to the development of superior hop varieties and to improve hop production and harvest practices, the department may expend up to twenty percent of the moneys deposited in the hop inspection fund during the fiscal year ending June 30th immediately preceding the year in which such expenditures are to be made. No expenditures shall be made under the provisions of this subsection when the hop inspection fund is, or the director may reasonably anticipate that it will be, reduced below twenty thousand dollars as the result of such expenditure or other necessary expenditures made to carry out the inspection, grading, and testing of hops.

Sec. 53. Section 15.24.010, chapter 11, Laws of 1961 as last amended by section 22, chapter 240, Laws of 1967 and RCW 15.24.010 are each amended to read as follows:

As used in this chapter:

- (1) 'Commission' means the Washington state apple advertising commission;
- (2) 'Ship' means to load apples into a conveyance for transport, except apples being moved from the orchard where grown to a packing house or warehouse within the immediate area of production;
- (3) 'Handler' means any person who ships or initiates a shipping operation, whether for himself or for another;
- (4) 'Dealer' means any person who handles, ships, buys, or sells apples, or who acts as sales or purchasing agent, broker, or factor of apples;
- (5) 'Processor' and 'processing plant' means every person to whom and every place to which apples are delivered for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article;
- (6) 'Processing apples' means all apples delivered to a processing plant for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article;
- (7) 'Fresh apples' means all apples other than processing apples;

- (8) 'Director' means the director of the department of agriculture or his duly authorized representative;
- (9) 'Grower district No. 1' includes the counties of Chelan, Okanogan, and Douglas;
- (10) 'Grower district No. 2' includes the counties of Kittitas, Yakima, Benton, and Franklin;
- (11) 'Grower district No. 3' includes all counties in the state not included in the first and second districts; ~~((and))~~
- (12) 'Dealer district No. 1' includes the area of the state north of interstate 90;
- (13) 'Dealer district No. 2' includes the area of the state south of interstate 90; and
- (14) 'Executive officer' includes, but is not limited to, the principal management executive, sales manager, general manager, or other executive employee of similar responsibility and authority.

Sec. 54. Section 15.24.020, chapter 11, Laws of 1961 as last amended by section 23, chapter 240, Laws of 1967 and RCW 15.24.020 are each amended to read as follows:

There is hereby created a Washington state apple advertising commission to be thus known and designated. The commission shall be composed of nine practical apple producers and four practical apple dealers. The director shall be an ex officio member of the commission without vote.

The nine producer members shall be citizens and residents of this state, over the age of twenty-five years, each of whom, either individually or as an executive officer of a corporation, firm or partnership, is and has been actually engaged in growing and producing apples within the state of Washington for a period of five years, currently operates a commercial producing orchard in the district represented, and has during that period derived a substantial portion of his income therefrom: PROVIDED, That he may own and operate an apple warehouse and pack and store apples grown by others, without being disqualified, so long as a substantial quantity of the apples handled in such warehouse are grown by him; and he may sell apples grown by himself and others so long as he does not sell a larger quantity of apples grown by others than those grown by himself. The four dealer members shall be persons who, either individually or as executive officers of a corporation, firm, partnership, association, or cooperative organization, are and have been actively engaged as dealers in apples within the state of Washington for a period of five years, and are citizens and residents of this state, and are engaged as apple dealers in the district represented. The qualifications of members of the commission as herein set forth must continue during their term of office.

Sec. 55. Section 15.24.030, chapter 11, Laws of 1961 as last amended by section 24, chapter 240, Laws of 1967 and RCW 15.24.030 are each amended to read as follows:

Thirteen persons with the qualifications stated in RCW 15.24.020 ~~((as amended in section 23, chapter 240, Laws of 1967))~~ shall be elected members of said commission. Four of the grower members, being positions one, two, three and four, shall be from grower district No. 1, at least one of whom shall be a resident of and engaged in growing and producing apples in Okanogan county; four of the grower members, being positions five, six, seven and eight, from grower district No. 2; and one grower member, being position nine from grower district No. 3. Two of the dealer members, being positions ten and eleven, shall be from dealer district No. 1; and two of the dealer members, being positions twelve and thirteen, shall be from dealer district No. 2.

The commission shall have authority in its discretion to establish by regulation one or more subdivisions of grower district No. 1 and one or more subdivisions of grower district No. 2; provided that each of the same includes a substantial apple producing district or districts, and provided the same does not result in an unfair or unequitable voting situation or an unfair or unequitable representation of apple growers on said commission. In such event each of said subdivisions shall be entitled to be represented by one of the said grower members of the commission, who shall be elected by vote of the qualified apple growers in said subdivision of said district, and who shall be a resident of and engaged in growing and producing apples in said subdivision.

The regular term of office of the members of the commission shall be three years from March 1 following their election and until their successors are elected and qualified. The commission shall hold its annual meeting during the month of March each year for the purpose of electing officers and the transaction of other business and shall hold such other meetings during the year as it shall determine.

Sec. 56. Section 15.24.040, chapter 11, Laws of 1961 as last amended by section 25, chapter 240, Laws of 1967 and RCW 15.24.040 are each amended to read as follows:

The director shall call a meeting of apple growers ~~((in each of the three districts))~~, and meetings of apple dealers in dealer district No. 1 and dealer district No. 2 for the purpose of nominating their respective members of the commission, when a term is about to expire, or when a vacancy exists, except as provided in RCW 15.24.050, as amended, at times and places to be fixed by the commission. Said meetings shall be held not later than February 15th of each year and insofar as practicable, the said meetings of the growers shall be held at the same time and place as the annual ~~((state and district))~~ meeting~~((s))~~ of the Washington state horticultural association ~~((and its affiliated clubs))~~, or the annual meeting of any other producer organization which represents a majority of the state's apple producers, as determined by the

commission, but not while the same ((are)) is in actual session. Public notice of such meetings shall be given by the commission in such manner as it may determine: PROVIDED, That nonreceipt of the notice by any interested person shall not invalidate the proceedings. Any qualified person may be nominated orally for such positions at the said respective meetings. Nominations may also be made within five days after any such meeting by written petition filed in the Wenatchee office of the commission, signed by not less than five apple growers or dealers, as the case may be, residing within the district or within the subdivision if the nomination is made from a subdivision.

The members of the commission shall be elected by secret mail ballot under the supervision of the director: PROVIDED, That in any case where there is but one nomination for a position, a secret mail ballot shall not be conducted or required and the director shall certify the candidate to be elected. Grower members of the commission shall be elected by a majority of the votes cast by the apple growers in the respective districts or subdivisions thereof, as the case may be, each grower who operates a commercial producing apple orchard within the district or subdivision being represented, whether an individual proprietor, partnership, joint venture, or corporation, being entitled to one vote. As to bona fide leased or rented orchards, only the lessee-operator, if otherwise qualified, shall be entitled to vote. An individual commercial orchard operator, if otherwise qualified, shall be entitled to vote as such, even though he is also a member of a partnership or corporation which votes for other apple acreage. Dealer members of the commission shall be elected by a majority of the votes cast by the apple dealers in the respective districts, each dealer being entitled to one vote. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

NEW SECTION, Sec. 57. A new section is added to chapter 15.58 RCW to read as follows:

The director of agriculture may adopt rules to allow the department of agriculture to take possession and dispose of canceled, suspended, or otherwise unusable pesticides held by persons licensed under chapter 15.58 RCW or regulated under chapter 17.21 RCW. For purposes of this section, the department may become licensed as a hazardous waste generator. The department may set fees to cover expenses in connection with pesticide waste received from persons licensed under chapter 15.58 RCW.

NEW SECTION, Sec. 58. The following acts or parts of acts are each repealed:

- (1) Section 15.32.170, chapter 11, Laws of 1961 and RCW 15.32.170;
- (2) Section 15.32.180, chapter 11, Laws of 1961 and RCW 15.32.180;
- (3) Section 15.32.190, chapter 11, Laws of 1961 and RCW 15.32.190;
- (4) Section 15.32.200, chapter 11, Laws of 1961 and RCW 15.32.200;
- (5) Section 15.32.230, chapter 11, Laws of 1961 and RCW 15.32.230;
- (6) Section 15.32.240, chapter 11, Laws of 1961 and RCW 15.32.240;
- (7) Section 15.32.270, chapter 11, Laws of 1961 and RCW 15.32.270;
- (8) Section 15.32.280, chapter 11, Laws of 1961 and RCW 15.32.280;
- (9) Section 15.32.300, chapter 11, Laws of 1961 and RCW 15.32.300;
- (10) Section 15.32.310, chapter 11, Laws of 1961 and RCW 15.32.310;
- (11) Section 15.32.390, chapter 11, Laws of 1961, section 5, chapter 58, Laws of 1963 and RCW 15.32.390;
- (12) Section 15.32.400, chapter 11, Laws of 1961 and RCW 15.32.400;
- (13) Section 15.32.470, chapter 11, Laws of 1961 and RCW 15.32.470;
- (14) Section 15.32.480, chapter 11, Laws of 1961 and RCW 15.32.480;
- (15) Section 15.32.690, chapter 11, Laws of 1961 and RCW 15.32.690;
- (16) Section 15.32.692, chapter 11, Laws of 1961 and RCW 15.32.692;
- (17) Section 15.32.694, chapter 11, Laws of 1961 and RCW 15.32.694;
- (18) Section 15.32.698, chapter 11, Laws of 1961 and RCW 15.32.698;
- (19) Section 15.36.130, chapter 11, Laws of 1961, section 21, chapter 141, Laws of 1979 and RCW 15.36.130;
- (20) Section 15.36.290, chapter 11, Laws of 1961, section 4, chapter 297, Laws of 1981 and RCW 15.36.290;
- (21) Section 15.36.310, chapter 11, Laws of 1961 and RCW 15.36.310;
- (22) Section 15.36.450, chapter 11, Laws of 1961 and RCW 15.36.450;
- (23) Section 15.36.560, chapter 11, Laws of 1961, section 24, chapter 141, Laws of 1979 and RCW 15.36.560; and
- (24) Section 15.36.570, chapter 11, Laws of 1961 and RCW 15.36.570.

NEW SECTION, Sec. 59. Section 4, chapter 247, Laws of 1985 and RCW 15.86.040 are each repealed.

NEW SECTION, Sec. 60. Section 7, chapter 305, Laws of 1983 and RCW 20.01.600 are each repealed.

NEW SECTION, Sec. 61. Section 21, chapter 124, Laws of 1963, section 18, chapter 238, Laws of 1979 ex. sess., section 38, chapter 305, Laws of 1983 and RCW 22.09.700 are each repealed.

NEW SECTION, Sec. 62. A new section is added to chapter 1.20 RCW to read as follows:

Agropyron spicatum, the species of natural grass commonly called 'bluebunch wheat-grass,' is hereby designated as the official grass of the state of Washington.

NEW SECTION. Sec. 63. A new section is added to chapter 1.20 RCW to read as follows:
The official fruit of the state of Washington is the apple.

NEW SECTION. Sec. 64. The county legislative authority of any county of the third class located east of the cascade crest and bordering on the southern side of the Snake river shall have the power to designate by an order made and published, as provided in section 66 of this act, certain territories as apiary coordinated areas in which they may designate the number of colonies per apiary, the distance between apiaries, the minimum required setback distance from property lines, and/or the time of year the regulations shall be in effect. No territory so designated shall be less than two square miles in area. All territory not so designated shall be unrestricted apiary areas.

NEW SECTION. Sec. 65. When the county legislative authority determines that it would be desirable to establish an apiary coordinated area or areas in their county, they shall make an order fixing a time and place when a hearing will be held, notice of which shall be published at least once each week for two successive weeks in a newspaper having general circulation within the county. It shall be the duty of the county legislative authority at the time fixed for such hearing, to hear all persons interested in the establishment of apiary restricted areas as defined in sections 64 through 68 of this act.

NEW SECTION. Sec. 66. Within thirty days after the conclusion of any such hearing the county legislative authority shall make an order describing the apiary coordinated areas within the county as to the maximum allowable number of hives per site, the minimum allowable distance between sites, and the minimum required setback from property lines. The order shall be entered upon the records of the county and published in a newspaper having general circulation in the county at least once each week for four successive weeks.

NEW SECTION. Sec. 67. Any person, or any agent, employee, or representative of a corporation, violating any of the provisions of such order after the order has been published or posted as provided in section 66 of this act, or violating any provision of this chapter, shall be guilty of a misdemeanor.

NEW SECTION. Sec. 68. When the county legislative authority of any county deems it advisable to change the boundary or boundaries of any apiary coordinated area, a hearing shall be held in the same manner as provided in section 65 of this act. If the county legislative authority decides to change the boundary or boundaries of any apiary coordinated area or areas, they shall within thirty days after the conclusion of such hearing make an order describing the change or changes. Such order shall be entered upon the records of the county and published in a newspaper having general circulation in the county once each week for four successive weeks.

NEW SECTION. Sec. 69. Sections 64 through 68 of this act are each added to chapter 15.60 RCW.

NEW SECTION. Sec. 70. The purpose of this chapter is to provide uniformity and consistency in the packaging of agricultural, vegetable, and flower seeds so as to facilitate the interstate movement of seed, to protect consumers, and to provide a dispute-resolution process. The department of agriculture is hereby authorized to adopt rules in accordance with chapter 34.05 RCW to implement this chapter. To the extent possible, the department shall seek to incorporate into the rules provisions from the recommended uniform state seed law in order to attain consistency with other states.

NEW SECTION. Sec. 71. (1) The department shall establish by rule standards and label requirements for the following seed types: Agricultural seed (including grass, lawn, and turf seed), flower seed, and vegetable seed.

(2) The standards and label requirements shall be divided into the following categories:

(a) Percentage of kind and variety of each seed component present; and

(b) Percentage of weed seed (restricted and common).

(3) The standards and label requirements developed by the department shall at a minimum include:

(a) Amount of inert material;

(b) Specifics and warning for treated seed;

(c) Specifics for coated seed;

(d) Specifics and duration for inoculated seed;

(e) Specifics for seed which is below standard;

(f) Specifics for seed contained in containers, mats, tapes, or other planting devices;

(g) Specifics for seed sold in bulk;

(h) Specifics for hybrid seed; and

(i) Specifics for seed mixtures.

NEW SECTION. Sec. 72. In addition to the requirements contained in section 71 of this act, each seed label shall contain the following:

(1) The name and address of the person who labeled the seed and who sells, offers, or exposes the seed for sale within the state;

(2) Lot number identification;

(3) Seed origin;

(4) Germination rate and date of germination test or the year for which the seed was packaged for sale.

NEW SECTION, Sec. 73. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Advertisement' means all representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of this chapter.

(2) 'Agricultural seed' includes grass, forage, cereal, oil, fiber, and other kinds of crop seeds commonly recognized within this state as agricultural seeds, lawn seeds, and combinations of such seeds, and may include common and restricted noxious weed seeds but not prohibited noxious weed seeds.

(3) 'Blend' means seed consisting of more than one variety of a kind, each in excess of five percent by weight of the whole.

(4) 'Bulk seed' means seed distributed in a nonpackage form.

(5) 'Certifying agency' means (a) an agency authorized under the laws of any state, territory, or possession to certify seed officially and which has standards and procedures approved by the United States secretary of agriculture to assure the genetic purity and identity of the seed certified; or (b) an agency of a foreign country determined by the United States secretary of agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed-certifying agencies under (a) of this subsection.

(6) 'Conditioning' means drying, cleaning, scarifying, and other operations that could change the purity or germination of the seed and require the seed lot to be retested to determine the label information.

(7) 'Dealer' means any person who distributes.

(8) 'Department' means the department of agriculture of the state of Washington or its duly authorized representative.

(9) 'Director' means the director of the department of agriculture.

(10) 'Distribute' means to import, consign, offer for sale, hold for sale, sell, barter, or otherwise supply seed in this state.

(11) 'Flower seeds' includes seeds of herbaceous plants grown from their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold under the name of flower seeds in this state.

(12) The terms 'foundation seed,' 'registered seed,' and 'certified seed' mean seed that has been produced and labeled in compliance with the regulations of the department.

(13) 'Germination' means the emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions.

(14) 'Hard seeds' means seeds that remain hard at the end of the prescribed test period because they have not absorbed water due to an impermeable seed coat.

(15) 'Hybrid' means the first generation seed of a cross produced by controlling the pollination and by combining (a) two or more inbred lines; (b) one inbred or a single cross with an open pollinated variety; or (c) two varieties or species, except open-pollinated varieties of corn (*Zea mays*). The second generation or subsequent generations from such crosses shall not be regarded as hybrids. Hybrid designations shall be treated as variety names.

(16) 'Inert matter' means all matter not seed, that includes broken seeds, sterile florets, chaff, fungus bodies, and stones as determined by methods defined by rule.

(17) 'Kind' means one or more related species or subspecies that singly or collectively is known by one common name, for example, corn, oats, alfalfa, and timothy.

(18) 'Label' includes a tag or other device attached to or written, stamped, or printed on any container or accompanying any lot of bulk seeds purporting to set forth the information required on the seed label by this chapter, and it may include any other information relating to the labeled seed.

(19) 'Lot' means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors that appear in the labeling.

(20) 'Lot number' shall identify the producer or dealer and year of production or the year distributed for each lot of seed. This requirement may be satisfied by use of a conditioner's or dealer's code.

(21) 'Master license system' means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed using a master application and a master license expiration date common to each renewable license endorsement.

(22) 'Mixture,' 'mix,' or 'mixed' means seed consisting of more than one kind, each in excess of five percent by weight of the whole.

(23) 'Official sample' means any sample of seed taken and designated as official by the department.

(24) 'Other crop seed' means seed of plants grown as crops, other than the kind or variety included in the pure seed, as determined by methods defined by rule.

(25) 'Prohibited (primary) noxious weed seeds' are the seeds of weeds which when established are highly destructive, competitive, and/or difficult to control by cultural or chemical practices.

(26) 'Person' means an individual, partnership, corporation, company, association, receiver, trustee, or agent.

(27) 'Pure live seed' means the product of the percent of germination plus hard or dormant seed multiplied by the percent of pure seed divided by one hundred. The result is expressed as a whole number.

(28) 'Pure seed' means seed exclusive of inert matter and all other seeds not of the seed being considered as determined by methods defined by rule.

(29) 'Restricted (secondary) noxious weed seeds' are the seeds of weeds which are objectionable in fields, lawns, and gardens of this state, but which can be controlled by cultural or chemical practices.

(30) 'Retail' means to distribute to the ultimate consumer.

(31) 'Screenings' mean chaff, seed, weed seed, inert matter, and other materials removed from seed in cleaning or conditioning.

(32) 'Seed labeling registrant' means a person who has obtained a permit to label seed for distribution in this state.

(33) 'Seeds' mean agricultural or vegetable seeds or other seeds as determined by rules adopted by the department.

(34) 'Stop sale, use, or removal order' means an administrative order restraining the sale, use, disposition, and movement of a specific amount of seed.

(35) 'Treated' means that the seed has received an application of a substance, or that it has been subjected to a process for which a claim is made.

(36) 'Type' means a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions.

(37) 'Variety' means a subdivision of a kind that is distinct, uniform, and stable; 'distinct' in the sense that the variety can be differentiated by one or more identifiable morphological, physiological, or other characteristics from all other varieties of public knowledge; 'uniform' in the sense that variations in essential and distinctive characteristics are describable; and 'stable' in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity when reproduced or reconstituted as required by the different categories of varieties.

(38) 'Vegetable seeds' includes the seeds of those crops that are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds in this state.

(39) 'Weed seeds' include the seeds of all plants generally recognized as weeds within this state, and includes the seeds of prohibited and restricted noxious weeds as determined by regulations adopted by the department.

(40) 'Inoculant' means a commercial preparation containing nitrogen fixing bacteria applied to the seed.

(41) 'Coated seed' means seed that has been treated and has received an application of inert material during the treatment process.

NEW SECTION, Sec. 74. (1) It is a class 1 civil infraction under chapter 7.80 RCW for any person to violate any provision of this chapter or any rule adopted by the department or the director to carry out this chapter.

(2) It is a class 1 civil infraction under chapter 7.80 RCW for any person to engage in the conditioning of seed, entered by growers for certification, without first having obtained a seed conditioning permit from the department.

NEW SECTION, Sec. 75. (1) It is unlawful for any person to sell, offer for sale, expose for sale, or transport for sale any agricultural, vegetable, or flower seeds within this state unless the test to determine the percentage of germination is completed within a fifteen-month period prior to sale, provided that germination tests for seed packaged in hermetically sealed containers shall be completed within thirty-six months prior to sale. The department shall establish rules for allowing retesting.

(2) It is unlawful for any person to sell, offer for sale, expose for sale, or transport for sale any agricultural, vegetable, or flower seed within this state not labeled in accordance with this chapter or having false or misleading labeling or for which there has been false or misleading advertisement.

(3) It is unlawful to represent seed to be certified unless it has been determined by a seed-certifying agency that such seed conformed to standards of purity and identity or variety in compliance with the rules adopted under this chapter.

(4) It is unlawful to attach any tags of similar size and format to the official certification tag that could be mistaken for the official certification tag.

(5) It is unlawful for any person to sell, offer for sale, expose for sale, or transport for sale any agricultural, vegetable, or flower seed within this state labeled with a variety name but not certified by an official seed-certifying agency when it is a variety for which a United States certification of plant variety protection under the plant variety protection act (7 U.S.C. Sec. 2321

et seq.) specifies sale only as a class of certified seed: PROVIDED, That seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval of, the owner of the variety.

(6) It is unlawful for any person within this state:

(a) To detach, alter, deface, or destroy any label required by this chapter or its implementing rules or to alter or substitute seed in a manner that may defeat the purpose of this chapter;

(b) To disseminate any false or misleading advertisements concerning seeds subject to this chapter in any manner or by any means;

(c) To hinder or obstruct in any way, any authorized person in the performance of his or her duties under this chapter;

(d) To fail to comply with a 'stop sale' order or to move or otherwise handle or dispose of any lot of seed held under a 'stop sale' order or tags attached thereto, except with express permission of the enforcing officer, and for the purpose specified thereby;

(e) To use the word 'trace' as a substitute for any statement that is required; and

(f) To use the word 'type' in any labeling in connection with the name of any agricultural seed variety.

(7) It is unlawful for any person to sell, offer for sale, expose for sale, or transport for sale any agricultural, vegetable, or flower seed within this state that consists of or contains: (a) Prohibited noxious weed seeds; or (b) restricted noxious weed seeds in excess of the number declared on the label.

NEW SECTION, Sec. 76. (1) The provisions of sections 71 through 75 of this act do not apply:

(a) To seed or grain not intended for sowing purposes;

(b) To seed in storage by, or being transported or consigned to a conditioning establishment for conditioning if the invoice or labeling accompanying the shipment of such seed bears the statement 'seeds for conditioning' and if any labeling or other representation that may be made with respect to the unconditioned seed is subject to this chapter;

(c) To any carrier with respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier if the carrier is not engaged in producing, conditioning, or marketing seeds subject to this chapter; or

(d) Seed stored or transported by the grower of the seed.

(2) No person may be subject to the penalties of this chapter for having sold or offered for sale seeds subject to this chapter that were incorrectly labeled or represented as to kind, species, variety, or type, which seeds cannot be identified by examination thereof, unless he or she has failed to obtain an invoice, genuine grower's declaration, or other labeling information and to take such other precautions as may be reasonable to ensure the identity to be that stated. A genuine grower's declaration of variety shall affirm that the grower holds records of proof concerning parent seed, such as invoice and labels.

NEW SECTION, Sec. 77. (1) When a buyer is damaged by the failure of any seed covered by this chapter to produce or perform as represented by the required label, by warranty, or as a result of negligence, the buyer, as a prerequisite to maintaining a legal action against the dealer of such seed, shall have first provided for the arbitration of the claim. Any statutory period of limitations with respect to such claim shall be tolled from the date arbitration proceedings are instituted until ten days after the date on which the arbitration award becomes final.

(2) Similarly, no such claim may be asserted as a counterclaim or defense in any action brought by a dealer against a buyer until the buyer has first provided for arbitration of the claim. Upon the buyer's filing of a written notice of intention to assert such a claim as a counterclaim or defense in the action accompanied by a copy of the buyer's complaint in arbitration filed as provided in this chapter, the action shall be stayed, and any applicable statute of limitations shall be tolled with respect to such claim from the date arbitration proceedings are instituted until ten days after the arbitration award becomes final.

(3) Conspicuous language calling attention to the requirement for arbitration under this section shall be referenced or included on the analysis label required under sections 71 through 80 of this act.

(4) If the parties agree to submit the claim to arbitration and to be bound by the arbitration award, then the arbitration shall be subject to chapter 7.04 RCW, and sections 78 through 81 of this act will not apply to the arbitration. If the parties do not so agree, then the buyer may provide for mandatory arbitration by the arbitration committee under sections 78 through 81 of this act. An award rendered in such mandatory arbitration shall not be binding upon the parties and any trial on any claim so arbitrated shall be de novo.

(5) This section applies only to claims, or counterclaims, where the relief sought is, or includes, a monetary amount in excess of two thousand dollars. All claims for two thousand dollars or less shall be commenced in either district court or small claims court.

NEW SECTION, Sec. 78. The director shall adopt rules, in conformance with chapter 34.05 RCW, providing for mandatory arbitration under this chapter and governing the proceedings of the arbitration committee. The decisions and proceedings of the arbitration committee shall not be subject to chapter 34.05 RCW. The department shall establish by rule a filing fee to cover

the administrative costs of processing a complaint and submitting it to the arbitration committee.

NEW SECTION. Sec. 79. (1) To submit a claim to mandatory arbitration, the buyer shall make and file with the department a sworn complaint against the dealer alleging the damages sustained. The buyer shall send a copy of the complaint to the dealer by United States registered mail. The filing fee shall be submitted to the department with each complaint filed and may be recovered from the dealer or other seller upon recommendations of the arbitration committee.

(2) Within twenty days after receipt of a copy of the complaint, the dealer shall file with the department, by United States registered mail, the answer to the complaint. Failure of a dealer to file a timely answer to the complaint shall be so documented for the record.

(3) The director shall, upon receipt of the answer, refer the complaint and answer to the arbitration committee for investigation, findings, and recommendations.

(4) Any dealer may request an investigation by the arbitration committee for any dispute involving seed which may not otherwise be before the arbitration committee.

NEW SECTION. Sec. 80. (1) Upon referral of a complaint for investigation, the arbitration committee shall make a prompt and full investigation of the matters complained of and report its award to the director within sixty days of such referral or such later date as parties may determine or as may be required in subsection (3) of this section.

(2) The report of the arbitration committee shall include, in addition to its award, recommendations as to costs, if any.

(3) In the course of its investigation, the arbitration committee may examine the buyer and the dealer on all matters that the arbitration committee may consider relevant; may grow a representative sample of the seed referred to in the complaint if considered necessary; and may hold informal hearings at such time and place as the committee chairman may direct upon reasonable notice to all parties. If the committee decides to grow a representative sample of the seed, the sixty-day period identified in this section shall be extended an additional thirty days.

(4) After the committee has made its award, the director shall promptly transmit the report by certified mail to all parties.

NEW SECTION. Sec. 81. (1) The director shall create an arbitration committee composed of five members, including the director, or a department employee designated by the director, and four members appointed by the director. The director shall make appointments so that the committee is balanced and does not favor the interests of either buyers or dealers. The director also shall appoint four alternates to the committee. In making appointments the director, to the extent practical, shall seek the recommendations of each of the following:

(a) The dean of the college of agriculture and home economics at Washington State University;

(b) The chief officer of an organization in this state representing the interests of seed dealers;

(c) The chief officer of an agriculture organization in this state as the director may determine to be appropriate; and

(d) The president of an agricultural organization in this state representing persons who purchase seed.

(2) Each alternate member shall serve only in the absence of the member for whom the person is an alternate.

(3) The committee shall elect a chairman and a secretary from its membership. The chairman shall conduct meetings and deliberations of the committee and direct all of its other activities. The secretary shall keep accurate records of all such meetings and deliberations and perform such other duties for the commission as the chairman may direct.

(4) The purpose of the committee is to conduct arbitration as provided in this chapter. The committee may be called into session by or at the direction of the director or upon direction of its chairman to consider matters referred to it by the director in accordance with this chapter.

(5) The members of the committee shall receive no compensation for performing their duties but shall be reimbursed for travel expenses; expense reimbursement shall be borne equally by the parties to the arbitration.

(6) For purposes of this chapter, a quorum of four members or their alternates is necessary to conduct an arbitration investigation or to make an award. If a quorum is present, a simple majority of members present shall be sufficient to make a decision. Any member disagreeing with the award may prepare a dissenting opinion and such opinion also will be included in the committee's report.

(7) The director shall make provisions for staff support, including legal advice, as the committee finds necessary.

NEW SECTION. Sec. 82. The director shall have the authority under this chapter to issue and enforce civil infractions according to chapter 7.80 RCW.

Sec. 83. Section 1, chapter 83, Laws of 1961 as amended by section 19, chapter 3, Laws of 1983 and RCW 15.14.010 are each amended to read as follows:

For the purpose of this chapter:

- (1) 'Department' means the department of agriculture of the state of Washington.
- (2) 'Director' means the director of the department or his duly appointed representative.
- (3) 'Person' means a natural person, individual, or firm, partnership, corporation, company, society and association and every officer, agent or employee thereof. This term shall import either the singular or plural, as the case may be.
- (4) 'Plant pests' means, but is not limited to, any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses or any organisms similar to or allied with any of the foregoing, or any infectious substance, which can directly or indirectly injure or cause disease or damage to any plant or parts thereof, or any processed, manufactured, or other products of plants.
- (5) 'Plant propagating stock' hereinafter referred to as 'planting stock' includes any propagating materials used for the production or processing of horticultural, floricultural, viticultural or olivicultural plants for the purpose of being sold, offered for sale or exposed for sale for planting or reproduction purposes: PROVIDED, That it shall not include agricultural and vegetable seeds as defined in (~~RCW 15.49.050 and 15.49.060~~) section 73 of this act.
- (6) 'Certified plant stock' means the progeny of foundation, registered or certified plant stock if designated foundation and plant propagating materials that are so handled as to maintain satisfactory genetic identity and purity and have met certification standards required by this chapter and have been approved and certified by the director.
- (7) 'Foundation planting stock' means plant stock propagating materials that are increased from breeder or designated plant stock and are so handled as to most nearly maintain specific genetic identity and purity. Foundation plant stock, established by designation shall be that plant stock so designated by the director.
- (8) 'Breeder planting stock' means plant propagating materials directly controlled by the originating or in certain cases the sponsoring plant breeder or institution, which may include the department and which provides the source of the foundation plant stock.
- (9) 'Registered planting stock' means the progeny of foundation or registered planting stock or plant propagating material that is so handled as to maintain satisfactory genetic identity and purity and that has been approved and certified by the director. This class of planting stock shall be of a quality suitable for the production of certified planting stock.

NEW SECTION, Sec. 84. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 63, Laws of 1969 and RCW 15.49.010;
- (2) Section 2, chapter 63, Laws of 1969 and RCW 15.49.020;
- (3) Section 3, chapter 63, Laws of 1969 and RCW 15.49.030;
- (4) Section 23, chapter 182, Laws of 1982 and RCW 15.49.035;
- (5) Section 4, chapter 63, Laws of 1969 and RCW 15.49.040;
- (6) Section 5, chapter 63, Laws of 1969 and RCW 15.49.050;
- (7) Section 6, chapter 63, Laws of 1969 and RCW 15.49.060;
- (8) Section 7, chapter 63, Laws of 1969 and RCW 15.49.070;
- (9) Section 8, chapter 63, Laws of 1969 and RCW 15.49.080;
- (10) Section 9, chapter 63, Laws of 1969 and RCW 15.49.090;
- (11) Section 10, chapter 63, Laws of 1969 and RCW 15.49.100;
- (12) Section 11, chapter 63, Laws of 1969 and RCW 15.49.110;
- (13) Section 12, chapter 63, Laws of 1969 and RCW 15.49.120;
- (14) Section 13, chapter 63, Laws of 1969 and RCW 15.49.130;
- (15) Section 14, chapter 63, Laws of 1969 and RCW 15.49.140;
- (16) Section 15, chapter 63, Laws of 1969 and RCW 15.49.150;
- (17) Section 16, chapter 63, Laws of 1969 and RCW 15.49.160;
- (18) Section 17, chapter 63, Laws of 1969 and RCW 15.49.170;
- (19) Section 18, chapter 63, Laws of 1969 and RCW 15.49.180;
- (20) Section 19, chapter 63, Laws of 1969 and RCW 15.49.190;
- (21) Section 20, chapter 63, Laws of 1969 and RCW 15.49.200;
- (22) Section 21, chapter 63, Laws of 1969 and RCW 15.49.210;
- (23) Section 22, chapter 63, Laws of 1969, section 6, chapter 297, Laws of 1981 and RCW 15.49.220;
- (24) Section 23, chapter 63, Laws of 1969 and RCW 15.49.230;
- (25) Section 24, chapter 63, Laws of 1969 and RCW 15.49.240;
- (26) Section 25, chapter 63, Laws of 1969, section 2, chapter 26, Laws of 1977 ex. sess. and RCW 15.49.250;
- (27) Section 26, chapter 63, Laws of 1969 and RCW 15.49.260;
- (28) Section 27, chapter 63, Laws of 1969 and RCW 15.49.270;
- (29) Section 28, chapter 63, Laws of 1969, section 7, chapter 297, Laws of 1981 and RCW 15.49.280;
- (30) Section 29, chapter 63, Laws of 1969, section 8, chapter 297, Laws of 1981 and RCW 15.49.290;
- (31) Section 30, chapter 63, Laws of 1969 and RCW 15.49.300;

(32) Section 32, chapter 63, Laws of 1969, section 10, chapter 297, Laws of 1981 and RCW 15.49.320;

(33) Section 34, chapter 63, Laws of 1969, section 3, chapter 26, Laws of 1977 ex. sess., section 12, chapter 297, Laws of 1981 and RCW 15.49.340;

(34) Section 43, chapter 63, Laws of 1969 and RCW 15.49.430;

(35) Section 44, chapter 63, Laws of 1969 and RCW 15.49.440; and

(36) Section 45, chapter 63, Laws of 1969 and RCW 15.49.450.

NEW SECTION. Sec. 85. Sections 70 through 82 of this act are each added to chapter 15.49 RCW.

NEW SECTION. Sec. 86. Section 30 of this act shall take effect on January 1, 1991.

NEW SECTION. Sec. 87. Sections 70 through 85 of this act shall take effect January 1, 1990.

NEW SECTION. Sec. 88. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "agriculture," strike the remainder of the title and insert "amending RCW 15.32.010, 15.32.051, 15.32.080, 15.32.100, 15.32.140, 15.32.220, 15.32.420, 15.32.500, 15.32.510, 15.32.520, 15.32.530, 15.32.570, 15.32.570, 15.36.011, 15.36.020, 15.36.060, 15.36.080, 15.36.110, 15.36.115, 15.36.300, 15.36.425, 15.36.460, 15.36.470, 15.36.520, 15.36.540, 15.36.550, 15.36.580, 15.28.010, 15.28.160, 15.65.510, 15.86.030, 15.86.020, 15.86.070, 16.36.110, 19.94.190, 20.01.010, 20.01.030, 20.01.040, 20.01.330, 20.01.370, 20.01.380, 20.01.460, 22.09.011, 22.09.020, 22.09.290, 22.09.720, 22.09.730, 22.09.740, 22.09.750, 22.09.780, 22.09.830, 15.24.010, 15.24.020, 15.24.030, 15.24.040, and 15.14.010; adding new sections to chapter 15.86 RCW; adding a new section to chapter 15.58 RCW; adding new sections to chapter 1.20 RCW; adding new sections to chapter 15.60 RCW; adding new sections to chapter 15.49 RCW; creating new sections; repealing RCW 15.32.170, 15.32.180, 15.32.190, 15.32.200, 15.32.230, 15.32.240, 15.32.270, 15.32.280, 15.32.300, 15.32.310, 15.32.390, 15.32.400, 15.32.470, 15.32.480, 15.32.690, 15.32.692, 15.32.694, 15.32.698, 15.36.130, 15.36.290, 15.36.310, 15.36.450, 15.36.560, 15.36.570, 15.86.040, 20.01.600, 22.09.700, 15.49.010, 15.49.020, 15.49.030, 15.49.035, 15.49.040, 15.49.050, 15.49.060, 15.49.070, 15.49.080, 15.49.090, 15.49.100, 15.49.110, 15.49.120, 15.49.130, 15.49.140, 15.49.150, 15.49.160, 15.49.170, 15.49.180, 15.49.190, 15.49.200, 15.49.210, 15.49.220, 15.49.230, 15.49.240, 15.49.250, 15.49.260, 15.49.270, 15.49.280, 15.49.290, 15.49.300, 15.49.320, 15.49.340, 15.49.430, 15.49.440, and 15.49.450; providing effective dates; and prescribing penalties."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Doty, Grant, Jesernig, McLean, H. Myers, Rasmussen and Youngsman.

Absent: Representatives Chandler and Rasmussen.

Passed to Committee on Rules for second reading.

March 31, 1989

ESSB 5713 Prime Sponsor, Committee on Health Care & Corrections: Providing for licensure of medical test sites. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends that medical test sites meet criteria known to promote accurate and reliable analysis, thus improving health care through uniform test site licensure and regulation including quality control, quality assurance, and proficiency testing. The legislature also intends to meet the requirements of federal laws licensing and regulating medical testing.

The legislature intends that nothing in this chapter shall be interpreted to place any liability whatsoever on the state for the action or inaction of test sites or test site personnel. The legislature further intends that nothing in this chapter shall be interpreted to expand the state's role regarding medical testing beyond the provisions of this chapter.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Department' means the department of health if enacted, otherwise the department of social and health services.

(2) 'Designated test site supervisor' means the available individual who is responsible for the technical functions of the test site and who meets the department's qualifications set out in rule by the department.

(3) 'Person' means any individual, or any public or private organization, agent, agency, corporation, firm, association, partnership, or business.

(4) 'Proficiency testing program' means an external service approved by the department which provides samples to evaluate the accuracy, reliability and performance of the tests at each test site.

(5) 'Quality assurance' means a comprehensive set of policies, procedures, and practices to assure that a test site's results are accurate and reliable. Quality assurance means a total program of internal and external quality control, equipment preventative maintenance, calibration, recordkeeping, and proficiency testing evaluation, including a written quality assurance plan.

(6) 'Quality control' means internal written procedures and day-to-day analysis of laboratory reference materials at each test site to insure precision and accuracy of test methodology, equipment, and results.

(7) 'Test' means any examination or procedure conducted on a sample taken from the human body, including screening.

(8) 'Test site' means any facility or site, public or private, which analyzes materials derived from the human body for the purposes of health care, treatment, or screening. A test site does not mean a facility or site, including a residence, where a test approved for home use by the federal food and drug administration is used by an individual to test himself or herself without direct supervision or guidance by another and where this test is not part of a commercial transaction.

NEW SECTION, Sec. 3. After July 1, 1990, no person may advertise, operate, manage, own, conduct, open, or maintain a test site without first obtaining a license for the tests to be performed, except as provided in section 4 of this act.

NEW SECTION, Sec. 4. (1) As a part of the application for licensure, a test site may request a waiver from licensure under this chapter if the test site performs only examinations which are determined to have insignificant risk of an erroneous result, including those which (a) are approved by the federal food and drug administration for home use; (b) are so simple and accurate as to render the likelihood of erroneous results negligible; or (c) pose no reasonable risk of harm to the patient if performed incorrectly.

(2) The department shall determine by rule which tests meet the criteria in subsection (1) of this section and shall be exempt from coverage of this chapter. The standards applied in developing the list shall be consistent with federal law and regulations.

(3) The department shall grant a waiver from licensure for two years for a valid request based on subsections (1) and (2) of this section.

(4) Any test site which has received a waiver under subsection (3) of this section shall report to the department any changes in the type of tests it intends to perform thirty days in advance of the changes. In no case shall a test site with a waiver perform tests which require a license under this chapter.

NEW SECTION, Sec. 5. Test sites accredited, certified, or licensed by an organization or agency approved by the department consistent with federal law and regulations shall receive a license under section 12 of this act.

NEW SECTION, Sec. 6. A licensee that desires to perform tests for which it is not currently licensed shall notify the department. To the extent allowed by federal law and regulations, upon notification and pending the department's determination, the department shall grant the licensee temporary permission to perform the additional tests. The department shall amend the license if it determines that the licensee meets all applicable requirements.

NEW SECTION, Sec. 7. The department shall adopt standards established in rule governing test sites for quality control, quality assurance, recordkeeping, and personnel consistent with federal laws and regulations. 'Recordkeeping' for purposes of this chapter means books, files, or records necessary to show compliance with the quality control and quality assurance requirements adopted by the department.

NEW SECTION, Sec. 8. (1) Except where there is no reasonable proficiency test, each licensed test site must participate in a department-approved proficiency testing program appropriate to the test or tests which it performs. The department may approve proficiency testing programs offered by private or public organizations when the program meets the standards set by the department. Testing shall be conducted quarterly except as otherwise provided for in rule.

(2) The department shall establish proficiency testing standards by rule which include a measure of acceptable performance for tests, and a system for grading proficiency testing performance for tests. The standards may include an evaluation of the personnel performing tests.

NEW SECTION, Sec. 9. A test site shall have a designated test site supervisor who shall meet the qualifications determined by the department in rule. The designated test site supervisor shall be responsible for the testing functions of the test site.

NEW SECTION, Sec. 10. (1) The department shall establish a schedule of fees for license applications, renewals, amendments, and waivers. In fixing said fees, the department shall set the fees at a sufficient level to defray the cost of administering the licensure program. All such fees shall be fixed by rule adopted in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW. In determining the fee schedule, the department shall consider the following: (a) Complexity of the license required; (b) number and type of tests performed at the test site; (c) degree of supervision required from the department staff; (d) whether the license is granted under section 5 of this act; and (e) general administrative costs of the test

site licensing program established under this chapter. For each category of license, fees charged shall be related to program costs.

(2) The medical test site licensure account is created in the state treasury. The state treasurer shall transfer into the medical test site licensure account all revenue received from medical test site license fees. Funds for this account may only be appropriated for the support of the activities defined under this chapter.

(3) The department may establish separate fees for repeat inspections and repeat audits it performs under section 18 of this act.

NEW SECTION, Sec. 11. An applicant for issuance or renewal of a medical test site license shall:

(1) File a written application on a form provided by the department;

(2) Demonstrate ability to comply with this chapter and the rules adopted under this chapter;

(3) Cooperate with any on-site review which may be conducted by the department prior to licensure or renewal.

NEW SECTION, Sec. 12. Upon receipt of an application for a license and the license fee, the department shall issue a license if the applicant meets the requirements established under this chapter. All persons operating test sites before July 1, 1990, shall submit applications by July 1, 1990. A license issued under this chapter shall not be transferred or assigned without thirty days' prior notice to the department and the department's timely approval. A license, unless suspended or revoked, shall be effective for a period of two years. The department may establish penalty fees or take other appropriate action pursuant to this chapter for failure to apply for licensure or renewal as required by this chapter.

NEW SECTION, Sec. 13. Under this chapter, and chapter 34.05 RCW, the department may deny a license to any applicant who:

(1) Refuses to comply with the requirements of this chapter or the standards or rules adopted under this chapter;

(2) Was the holder of a license under this chapter which was revoked for cause and never reissued by the department;

(3) Has knowingly or with reason to know made a false statement of a material fact in the application for a license or in any data attached thereto or in any record required by the department;

(4) Refuses to allow representatives of the department to examine any book, record, or file required by this chapter to be maintained;

(5) Willfully prevented, interfered with, or attempted to impede in any way the work of a representative of the department; or

(6) Misrepresented, or was fraudulent in, any aspect of the applicant's business.

NEW SECTION, Sec. 14. Under this chapter, and chapter 34.05 RCW, the department may place conditions on a license which limit or cancel a test site's authority to conduct any of the tests or groups of tests of any licensee who:

(1) Fails or refuses to comply with the requirements of this chapter or the rules adopted under this chapter;

(2) Has knowingly or with reason to know made a false statement of a material fact in the application for a license or in any data attached thereto or in any record required by the department;

(3) Refuses to allow representatives of the department to examine any book, record, or file required by this chapter to be maintained;

(4) Willfully prevented, interfered with, or attempted to impede in any way the work of a representative of the department;

(5) Willfully prevented or interfered with preservation of evidence of a known violation of this chapter or the rules adopted under this chapter; or

(6) Misrepresented, or was fraudulent in, any aspect of the licensee's business.

NEW SECTION, Sec. 15. Under this chapter, and chapter 34.05 RCW, the department may suspend the license of any licensee who:

(1) Fails or refuses to comply with the requirements of this chapter or the rules adopted under this chapter;

(2) Has knowingly or with reason to know made a false statement of a material fact in the application for a license or in any data attached thereto or in any record required by the department;

(3) Refuses to allow representatives of the department to examine any book, record, or file required by this chapter to be maintained;

(4) Willfully prevented, interfered with, or attempted to impede in any way the work of a representative of the department;

(5) Willfully prevented or interfered with preservation of evidence of a known violation of this chapter or the rules adopted under this chapter;

(6) Misrepresented, or was fraudulent in, any aspect of the licensee's business;

(7) Used false or fraudulent advertising; or

(8) Failed to pay any civil monetary penalty assessed by the department under this chapter within twenty-eight days after the assessment becomes final.

NEW SECTION. Sec. 16. Under this chapter, and chapter 34.05 RCW, the department may revoke the license of any licensee who:

(1) Fails or refuses to comply with the requirements of this chapter or the rules adopted under this chapter;

(2) Has knowingly or with reason to know made a false statement of a material fact in the application for a license or in any data attached thereto or in any record required by the department;

(3) Refuses to allow representatives of the department to examine any book, record, or file required by this chapter to be maintained;

(4) Willfully prevented, interfered with, or attempted to impede in any way the work of a representative of the department;

(5) Willfully prevented or interfered with preservation of evidence of a known violation of this chapter or the rules adopted under this chapter;

(6) Misrepresented, or was fraudulent in, any aspect of the licensee's business;

(7) Used false or fraudulent advertising; or

(8) Failed to pay any civil monetary penalty assessed by the department pursuant to this chapter within twenty-eight days after the assessment becomes final.

The department may summarily revoke a license when it finds continued licensure of a test site immediately jeopardizes the public health, safety, or welfare.

NEW SECTION. Sec. 17. Under this chapter, and chapter 34.05 RCW, the department may assess monetary penalties of up to ten thousand dollars per violation in addition to or in lieu of conditioning, suspending, or revoking a license. A violation occurs when a licensee:

(1) Fails or refuses to comply with the requirements of this chapter or the standards or rules adopted under this chapter;

(2) Has knowingly or with reason to know made a false statement of a material fact in the application for a license or in any data attached thereto or in any record required by the department;

(3) Refuses to allow representatives of the department to examine any book, record, or file required by this chapter to be maintained;

(4) Willfully prevents, interferes with, or attempts to impede in any way the work of any representative of the department;

(5) Willfully prevents or interferes with preservation of evidence of any known violation of this chapter or the rules adopted under this chapter;

(6) Misrepresents or was fraudulent in any aspect of the applicant's business; or

(7) Uses advertising which is false or fraudulent.

Each day of a continuing violation is a separate violation.

NEW SECTION. Sec. 18. The department may at any time conduct an on-site review of a licensee or applicant in order to determine compliance with this chapter. When the department has reason to believe a waived site is conducting tests requiring a license, the department may conduct an on-site review of the waived site in order to determine compliance. The department may also examine and audit records necessary to determine compliance with this chapter. The right to conduct an on-site review and audit and examination of records shall extend to any premises and records of persons whom the department has reason to believe are opening, owning, conducting, maintaining, managing, or otherwise operating a test site without a license.

Following an on-site review, the department shall give written notice of any violation of this chapter or the rules adopted under this chapter. The notice shall describe the reasons for noncompliance and inform the licensee or applicant or test site operator that it shall comply within a specified reasonable time. If the licensee or applicant or test site operator fails to comply, the department may take disciplinary action under sections 13 through 16 of this act, or further action as authorized by this chapter.

NEW SECTION. Sec. 19. Notwithstanding the existence or use of any other remedy, the department may, in the manner provided by law and upon the advice of the attorney general, who shall represent the department in the proceedings, maintain an action in the name of the state for an injunction or other process against any person to restrain or prevent the advertising, operating, maintaining, managing, or opening of a test site without a license under this chapter. It is a misdemeanor to own, operate, or maintain a test site without a license.

NEW SECTION. Sec. 20. Any test site which has had a denial, condition, suspension, or revocation of its license, or a civil monetary penalty upheld after administrative review under chapter 34.05 RCW, may, within sixty days of the administrative determination, petition the superior court for review of the decision.

NEW SECTION. Sec. 21. No person who has owned or operated a test site that has had its license revoked may own or operate a test site within two years of the final adjudication of a license revocation.

NEW SECTION. Sec. 22. All information received by the department through filed reports, audits, or on-site reviews, as authorized under this chapter shall not be disclosed publicly in

any manner that would identify persons who have specimens of material from their bodies at a test site, absent a written release from the person, or a court order.

NEW SECTION. Sec. 23. The department shall adopt rules under chapter 34.05 RCW necessary to implement the purposes of this chapter.

NEW SECTION. Sec. 24. Sections 1 through 23 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 25. A new section is added to chapter 43.131 RCW to read as follows:

The medical test site licensure program shall be terminated on June 30, 1992, as provided in section 26 of this act.

NEW SECTION. Sec. 26. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1993.

(1) Section 1, chapter ____, Laws of 1979 and RCW 70.____ (section 1 of this act);

(2) Section 2, chapter ____, Laws of 1979 and RCW 70.____ (section 2 of this act);

(3) Section 3, chapter ____, Laws of 1979 and RCW 70.____ (section 3 of this act);

(4) Section 4, chapter ____, Laws of 1979 and RCW 70.____ (section 4 of this act);

(5) Section 5, chapter ____, Laws of 1979 and RCW 70.____ (section 5 of this act);

(6) Section 6, chapter ____, Laws of 1979 and RCW 70.____ (section 6 of this act);

(7) Section 7, chapter ____, Laws of 1979 and RCW 70.____ (section 7 of this act);

(8) Section 8, chapter ____, Laws of 1979 and RCW 70.____ (section 8 of this act);

(9) Section 9, chapter ____, Laws of 1979 and RCW 70.____ (section 9 of this act);

(10) Section 10, chapter ____, Laws of 1979 and RCW 70.____ (section 10 of this act);

(11) Section 11, chapter ____, Laws of 1979 and RCW 70.____ (section 11 of this act);

(12) Section 12, chapter ____, Laws of 1979 and RCW 70.____ (section 12 of this act);

(13) Section 13, chapter ____, Laws of 1979 and RCW 70.____ (section 13 of this act);

(14) Section 14, chapter ____, Laws of 1979 and RCW 70.____ (section 14 of this act);

(15) Section 15, chapter ____, Laws of 1979 and RCW 70.____ (section 15 of this act);

(16) Section 16, chapter ____, Laws of 1979 and RCW 70.____ (section 16 of this act);

(17) Section 17, chapter ____, Laws of 1979 and RCW 70.____ (section 17 of this act);

(18) Section 18, chapter ____, Laws of 1979 and RCW 70.____ (section 18 of this act);

(19) Section 19, chapter ____, Laws of 1979 and RCW 70.____ (section 19 of this act);

(20) Section 20, chapter ____, Laws of 1979 and RCW 70.____ (section 20 of this act);

(21) Section 21, chapter ____, Laws of 1979 and RCW 70.____ (section 21 of this act);

(22) Section 22, chapter ____, Laws of 1979 and RCW 70.____ (section 22 of this act); and

(23) Section 23, chapter ____, Laws of 1979 and RCW 70.____ (section 23 of this act).

NEW SECTION. Sec. 27. (1) Sections 1 through 22 of this act shall take effect July 1, 1990.

(2) Section 23 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

On page 1, line 1 of the title, after "licensure," insert "adding a new chapter to Title 70 RCW; adding new sections to chapter 43.131 RCW; prescribing penalties; providing effective dates; and declaring an emergency."

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien, Prentice, Smith, Walker and Wolfe.

Absent: Representative Vekich, Chair.

Referred to Committee on Appropriations.

March 30, 1989

SB 5736 Prime Sponsor, Senator Bailey: Modifying local funding requirements for school construction. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: Do pass with the following amendments by Committee on Capital Facilities & Financing and without amendments by Committee on Education:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 244, Laws of 1969 ex. sess. as last amended by section 18, chapter 154, Laws of 1980 and RCW 28A.47.801 are each amended to read as follows:

(1) Funds appropriated to the state board of education from the common school construction fund shall be allotted by the state board of education in accordance with student enrollment (~~(as computed for the purposes of RCW 28A.41.140)~~) and the provisions of RCW (~~28A.47.800 through 28A.47.811; PROVIDED, That~~) 28A.47.830.

(2) No allotment shall be made to a school district (~~(for the purpose aforesaid)~~) until such district has provided matching funds equal to or greater than the difference between the total

approved project cost and the amount of state assistance to the district for financing the project computed pursuant to RCW 28A.47.803, with the following exceptions:

(a) The state board may waive the matching requirement for districts which have provided funds for school building construction purposes through the authorization of bonds or through the authorization of excess tax levies or both in an amount equivalent to two and one-half percent of the value of its taxable property, as defined in RCW 39.36.015 (or such lesser amount as may be required by the state board of education. PROVIDED FURTHER, That).

(b) No such matching funds shall be required as a condition to the allotment of funds for the purpose of making major or minor structural changes to existing school facilities in order to bring such facilities into compliance with the handicapped access requirements of section 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules implementing the act.

(3) For the purpose of computing the state matching percentage under RCW 28A.47.803 when a school district is granted authority to enter into contracts, adjusted valuation per pupil shall be calculated using headcount student enrollments from the most recent October enrollment reports submitted by districts to the superintendent of public instruction, adjusted as follows:

(a) In the case of projects for which local bonds were approved after the effective date of this act:

(i) For districts which have been designated as serving high school districts under RCW 28A.56.200, students residing in the nonhigh district so designating shall be excluded from the enrollment count if the student is enrolled in any grade level not offered by the nonhigh district;

(ii) The enrollment of nonhigh school districts shall be increased by the number of students residing within the district who are enrolled in a serving high school district so designated by the nonhigh school district under RCW 28A.56.200, including only students who are enrolled in grade levels not offered by the nonhigh school district; and

(iii) The number of preschool handicapped students included in the enrollment county shall be multiplied by one-half;

(b) In the case of construction or modernization of high school facilities in districts serving students from nonhigh school districts, the adjusted valuation per pupil shall be computed using the combined adjusted valuations and enrollments of each district, each weighted by the percentage of the district's resident high school students served by the high school district; and

(c) The number of kindergarten students included in the enrollment count shall be multiplied by one-half.

(4) The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

(5) For the purposes of this section, 'preschool handicapped students' means developmentally disabled children of preschool age who are entitled to services under chapter 28A.13 RCW and are not included in the kindergarten enrollment count of the district.

Sec. 2. Section 3, chapter 244, Laws of 1969 ex. sess. as amended by section 2, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.802 are each amended to read as follows:

In allotting the state funds provided by RCW 28A.47.800 through 28A.47.811, ~~((and in accordance with student enrollment as computed for the purposes of RCW 28A.41.140.))~~ the state board of education shall:

(1) Prescribe rules and regulations not inconsistent with RCW 28A.47.800 through 28A.47.811 governing the administration, control, terms, conditions, and disbursement of allotments to school districts to assist them in providing school plant facilities;

(2) Approve, whenever the board deems such action advisable, allotments to districts that apply for state assistance;

(3) Authorize the payment of approved allotments by warrant of the state treasurer; and

(4) In the event that the amount of state assistance applied for pursuant to the provisions hereof exceeds the funds available for such assistance during any biennium, make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance or prorate allotments among such districts in conformity with procedures and regulations applicable thereto which shall be established by the board.

Sec. 3. Section 4, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 98, Laws of 1975 1st ex. sess. and RCW 28A.47.803 are each amended to read as follows:

Allocations to school districts of state funds provided by RCW 28A.47.800 through 28A.47.811 shall be made by the state board of education and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The boards of directors of the districts shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the state board of education.

(2) The state matching percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per (~~full time equivalent~~) pupil divided by the ratio of the total state adjusted valuation per (~~full time~~) pupil shall be subtracted from three, and then the result of the foregoing shall be divided by three plus (the ratio of the school district's adjusted valuation per (~~full time equivalent~~) pupil divided by the ratio of the total state adjusted valuation per (~~full time~~) pupil).

	District adjusted 3- valuation per (full time equivalent) pupil	+	Total state ad- justed valuation per (full time equivalent) pupil		
Computed State Ratio	=	-----	=	%	State Assist- ance
	District adjusted 3+ valuation per (full time equivalent) pupil		Total state ad- justed valuation per (full time equivalent) pupil		

PROVIDED, That in the event the percentage of state assistance to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state assistance under RCW 28A.47.800 through 28A.47.811, the state board of education may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the state board finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(3) In addition to the computed percent of state assistance developed in (2) above, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each percent of growth, with a maximum of twenty percent.

(4) The approved cost of the project determined in the manner herein prescribed times the percentage of state assistance derived as provided for herein shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the state board of education: PROVIDED, FURTHER, That additional state assistance may be allowed if it is found by the state board of education that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d) and (e) hereinabove, creating a like emergency.

Sec. 4. Section 1, chapter 239, Laws of 1981 and RCW 28A.56.200 are each amended to read as follows:

(1) In cases where high school students resident in a nonhigh school district are to be educated in a high school district, the board of directors of the nonhigh school district shall, by mutual agreement with the serving district(s), designate the serving high school ((serving)) district or districts which its high school students shall attend. A nonhigh school district shall designate a district as a serving high school district when more than thirty-three and one-third percent of the high school students residing within the boundaries of the nonhigh school district are enrolled in the serving district.

(2) Students residing in a nonhigh school district shall be allowed to attend a high school other than in the designated serving district referred to in subsection (1) of this section (~~(-PROVIDED-That)~~), however the nonhigh school board of directors shall not be required to contribute to building programs in any such high school district. Contribution shall be made only to those ((high school)) districts which are designated ((by the local nonhigh school board of directors for attendance by their high school students)) as serving high school districts at the time the county auditor is requested by the high school district to place a measure on the ballot regarding a proposal or proposals for the issuance of bonds or the authorization of an excess tax levy to provide capital funds for building programs. The nonhigh school district shall be subject to the capital fund aid provisions contained in this chapter with respect to the designated high school serving district(s).

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 28A.47.801, 28A.47.802, 28A.47.803, and 28A.56.200; and declaring an emergency."

Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Beck, Berezoff, Bowman, Braddock, Bristow, Fraser, Jacobsen, Peery, Wang and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1989

ESSB 5759 Prime Sponsor, Committee on Education: Establishing a school breakfast program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Youngsman, Assistant Ranking Republican Member; Belcher, Bowman, Brekke, Bristow, Dorn, Hine, Holland, May, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Doty, Ferguson, McLean, Nealey and Padden.

Absent: Representative Brough.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5776 Prime Sponsor, Committee on Law & Justice: Regarding training for law enforcement officers and establishing a fund for drug training. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The department of community development shall establish an advisory committee to study the issue of untrained and uncertified city and town law enforcement personnel. This study shall include a determination of the number of such uncertified personnel, location of the cities and towns with such uncertified personnel, other responsibilities that such uncertified personnel may have within the city or town, training needs for such uncertified personnel, and alternative measures to address the training needs.

The advisory committee shall be chaired by the director of the department of community development, or the director's designee. The remaining members on the advisory committee shall be law enforcement personnel and representatives of cities and towns. Technical assistance and staff support shall be provided by the criminal justice training commission.

The advisory committee shall report its findings, and any proposed legislation relating to such findings, to the legislature on or before January 15, 1990.

Sec. 2. Section 2, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.200 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080 and 43.101.160. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) The commission shall provide the aforementioned training together with necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week. Additionally, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his training period."

On page 1, line 1 of the title, after "training;" strike the remainder of the title and insert "amending RCW 43.101.200; and creating a new section."

Signed by Representatives Haugen, Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representative Cooper, Vice Chair.

Passed to Committee on Rules for second reading.

March 31, 1989

ESB 5808 Prime Sponsor, Senator Lee: Authorizing the use of an irrevocable letter of credit by an employer choosing to self-insure under the industrial insurance act. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 27, chapter 289, Laws of 1971 ex. sess. as last amended by section 1, chapter 57, Laws of 1986 and RCW 51.14.020 are each amended to read as follows:

(1) An employer may qualify as a self-insurer by establishing to the director's satisfaction that he or she has sufficient financial ability to make certain the prompt payment of all compensation under this title and all assessments which may become due from such employer. Each application for certification as a self-insurer submitted by an employer shall be accompanied by payment of a fee of one hundred fifty dollars or such larger sum as the director shall find necessary for the administrative costs of evaluation of the applicant's qualifications. Any employer who has formerly been certified as a self-insurer and thereafter ceases to be so certified may not apply for certification within three years of ceasing to have been so certified.

(2) A self-insurer may be required by the director to supplement existing financial ability by depositing in an escrow account in a depository designated by the director, money and/or corporate or governmental securities approved by the director, or a surety bond written by any company admitted to transact surety business in this state, or provide an irrevocable letter of credit issued by a federally or state chartered commercial banking institution authorized to conduct business in the state of Washington filed with the department. The money, securities, ~~((or))~~ bond, or letter of credit shall be in an amount reasonably sufficient in the director's discretion to insure payment of reasonably foreseeable compensation and assessments but not less than the employer's normal expected annual claim liabilities and in no event less than one hundred thousand dollars. In arriving at the amount of money, securities, ~~((or))~~ bond, or letter of credit required under this subsection, the director shall take into consideration the financial ability of the employer to pay compensation and assessments and his or her probable continuity of operation. However, a letter of credit shall be acceptable only if the self-insurer has a net worth of not less than five hundred million dollars as evidenced in an annual financial statement prepared by a qualified, independent auditor using generally accepted accounting principles. The money, securities, ~~((or))~~ bond, or letter of credit so deposited shall be held by the director to secure the payment of compensation by the self-insurer and to secure payment of his or her assessments. The amount of security may be increased or decreased from time to time by the director. The income from any securities deposited may be distributed currently to the self-insurer.

(3) Securities or money deposited by an employer pursuant to subsection (2) of this section shall be returned to him or her upon his or her written request provided the employer files the bond required by such subsection.

(4) If the employer seeking to qualify as a self-insurer has previously insured with the state fund, the director shall require the employer to make up his or her proper share of any deficit or insufficiency in the state fund as a condition to certification as a self-insurer.

(5) A self-insurer may reinsure a portion of his or her liability under this title with any reinsurer authorized to transact such reinsurance in this state: PROVIDED, That the reinsurer may not participate in the administration of the responsibilities of the self-insurer under this title. Such reinsurance may not exceed eighty percent of the liabilities under this title.

(6) For purposes of the application of this section, the department may adopt separate rules establishing the security requirements applicable to units of local government. In setting such requirements, the department shall take into consideration the ability of the governmental unit to meet its self-insured obligations, such as but not limited to source of funds, permanency, and right of default.

(7) The director shall adopt rules to carry out the purposes of this section including, but not limited to, rules respecting the terms and conditions of letters of credit and the establishment of the appropriate level of net worth of the self-insurer to qualify for use of the letter of credit. Only letters of credit issued in strict compliance with the rules shall be deemed acceptable.

Sec. 2. Section 51.28.070, chapter 23, Laws of 1961 as last amended by section 36, chapter 350, Laws of 1977 ex. sess. and RCW 51.28.070 are each amended to read as follows:

Information contained in the claim files and records of injured workers, under the provisions of this title, shall be deemed confidential and shall not be open to public inspection (other than to public employees in the performance of their official duties), but representatives of a

claimant, be it an individual or an organization, may review a claim file or receive specific information therefrom upon the presentation of the signed authorization of the claimant. A claimant may review his or her claim file if the director determines, pursuant to criteria adopted by rule, that the review is in the claimant's interest. Employers or their duly authorized representatives may review any files of their own injured workers in connection with any pending claims. Physicians treating or examining workers claiming benefits under this title, or physicians giving medical advice to the department regarding any claim may, at the discretion of the department, inspect the claim files and records of injured workers, and other persons may make such inspection, at the ((departments)) department's discretion, when such persons are rendering assistance to the department at any stage of the proceedings on any matter pertaining to the administration of this title.

Sec. 3. Section 4, chapter 161, Laws of 1988 and RCW 51.32.090 are each amended to read as follows:

(1) When the total disability is only temporary, the schedule of payments contained in RCW 51.32.060 (1) and (2) shall apply, so long as the total disability continues.

(2) Any compensation payable under this section for children not in the custody of the injured worker as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.

(3) As soon as recovery is so complete that the present earning power of the worker, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable unless the loss of earning power shall exceed five percent.

(4)(a) Whenever an employer requests that a worker who is entitled to temporary total disability under this chapter be certified by a physician as able to perform available work other than his or her usual work, the employer shall furnish to the physician, with a copy to the worker, a statement describing the available work in terms that will enable the physician to relate the physical activities of the job to the worker's disability. The physician shall then determine whether the worker is physically able to perform the work described. If the worker is released by his or her physician for said work, and the work thereafter comes to an end before the worker's recovery is sufficient in the judgment of his or her physician to permit him or her to return to his or her usual job, or to perform other available work, the worker's temporary total disability payments shall be resumed. Should the available work described, once undertaken by the worker, impede his or her recovery to the extent that in the judgment of his or her physician he or she should not continue to work, the worker's temporary total disability payments shall be resumed when the worker ceases such work.

(b) Once the worker returns to work under the terms of this subsection (4), he or she shall not be assigned by the employer to work other than the available work described without the worker's written consent, or without prior review and approval by the worker's physician.

(c) Any employee health and welfare benefits or child care benefits that the worker was receiving at the time of injury shall continue or be resumed at the level provided at the time of injury if the worker returns to work under this subsection (4).

(d) In the event of any dispute as to the worker's ability to perform the available work offered by the employer, the department shall make the final determination.

(5) No worker shall receive compensation for or during the day on which injury was received or the three days following the same, unless his or her disability shall continue for a period of fourteen consecutive calendar days from date of injury: PROVIDED, That attempts to return to work in the first fourteen days following the injury shall not serve to break the continuity of the period of disability if the disability continues fourteen days after the injury occurs.

(6) Should a worker suffer a temporary total disability and should his or her employer at the time of the injury continue to pay him or her the wages which he or she was earning at the time of such injury, such injured worker shall not receive any payment provided in subsection (1) of this section during the period his or her employer shall so pay such wages.

(7) In no event shall the monthly payments provided in this section exceed one hundred percent of the average monthly wage in the state as computed under the provisions of RCW 51.08.018.

(8) If the supervisor of industrial insurance determines that the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.

Sec. 4. Section 53, chapter 289, Laws of 1971 ex. sess. as amended by section 15, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.36.060 are each amended to read as follows:

((Physicians)) (1) Health service providers examining or attending injured ((workmen)) workers under this title shall: (a) Comply with rules and regulations adopted by the director, and ((shall)) (b) make such reports as may be requested by the department or self-insurer upon the condition or treatment of any such ((workman)) worker, or upon any other matters concerning such ((workmen)) workers in their care.

(2) All ((medical)) health service provider information in the possession or control of any person and relevant to the particular injury in the opinion of the department pertaining to any ((workman)) worker whose injury or occupational disease is the basis of a claim under this title shall be made available at any stage of the proceedings to the employer, the claimant's representative, ((and)) or the department upon request, and no health service provider or other person shall incur any legal liability by reason of releasing such information. This section authorizes health service providers to discuss health care information within their possession or control which is relevant to the particular injury with the employer, the claimant's representative, or the department at any stage of the claim before the department.

Nothing in this section authorizes the disclosure of any information which may not be disclosed under RCW 70.24.105.

NEW SECTION. Sec. 5. A new section is added to chapter 51.32 RCW to read as follows:

(1) Whenever an application for benefits is filed that requires a determination of whether benefits shall be paid pursuant to the reopening of an accepted claim under RCW 51.32.160 or by allowance of a claim for new injury or occupational disease, the department shall make the determination in a single order. Pending entry of the order, benefits shall be paid promptly pursuant to this title by either the department or the self-insurer, as the case may be, as determined by the department. Benefits shall be paid at the lesser of the two benefit entitlements that may apply to the claim.

(2) If, upon final determination, the entity that paid benefits under subsection (1) of this section is determined not to be responsible for payment of the benefits, such entity shall be reimbursed by the responsible entity for all amounts paid, unless subsection (3) of this section applies.

(3) If, upon final determination, neither the department nor a self-insurer is determined to be responsible for the benefits, the recipient of benefits shall repay the entity having paid the benefits and recoupment may be made from future payments due the recipient on any claim with the state fund or self-insurer, as the case may be. The director may exercise his or her discretion to waive, in whole or in part, the amount of any such repayments where the recovery would be against equity and good conscience.

(4) If the department's determination under this section is appealed, benefits shall continue to be paid until the responsible entity is finally determined.

NEW SECTION. Sec. 6. A new section is added to chapter 51.32 RCW to read as follows:

When a worker insured by the state fund or a self-insured employer has received compensation for temporary total disability pursuant to RCW 51.32.090 for thirteen consecutive weeks of disability, the department shall notify the employment security department in accordance with the requirements of chapter 50.06 RCW. The notice shall be given within ten working days of the commencement of the fourteenth week in which the worker receives temporary total disability compensation. The department may adopt rules under chapter 34.05 RCW establishing reporting requirements for self-insured employers to carry out the purposes of this section.

NEW SECTION. Sec. 7. The legislature finds that delays and inefficiencies in the administration of the industrial insurance system are detrimental to the system and to the welfare of injured workers. It is the intent of the legislature that the department and self-insurers act promptly on industrial insurance claims and on requests from injured workers. The purpose of sections 8 through 10 of this act is to minimize the delay and uncertainty that injured workers frequently experience from the industrial insurance system.

NEW SECTION. Sec. 8. A new section is added to chapter 51.32 RCW to read as follows:

(1) The self-insurer shall provide a copy of the worker's claim file at no cost within fifteen days of receipt of a request by the worker or the worker's representative. The self-insurer shall provide the contents of the claim file unless the request is for only a particular portion of the file.

(2) The self-insurer shall transmit notice to the department of any written protest by an injured worker to an appealable order relating to the administration of an industrial injury claim under this chapter within ten working days. Receipt of a written notice by the self-insurer shall be deemed to be receipt by the department. Failure of a self-insurer to comply with this notification requirement shall subject the self-insurer to the penalty provisions of RCW 51.48.017.

NEW SECTION. Sec. 9. A new section is added to chapter 51.32 RCW to read as follows:

The self-insurer shall request allowance or denial of a claim within sixty days from the date that the claim is filed, or the claim shall be deemed allowed. A self-insurer may request, for good cause, an extension of the deadline for an additional thirty days, if written notice of the extension is provided to the injured worker within forty-five days from the date the claim is filed.

NEW SECTION. Sec. 10. A new section is added to chapter 51.32 RCW to read as follows:

The department shall allow or deny a claim within sixty days from the date that the claim is filed, or the claim shall be deemed allowed. The department may, for good cause, extend the deadline for an additional thirty days, if written notice of the extension is provided to the injured worker within forty-five days from the date the claim is filed.

NEW SECTION. Sec. 11. (1) Section 1 of this act shall take effect January 1, 1990.

(2) Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989."

On page 1, line 1 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 51.14.020, 51.28.070, 51.32.090, and 51.36.060; adding new sections to chapter 51.32 RCW; creating a new section; providing effective dates; and declaring an emergency."

Signed by Representatives Vekich, Chair; Cole, Vice Chair; Patrick, Ranking Republican Member; Jones, R. King, Leonard, O'Brien and Prentice.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Walker and Wolfe.

Passed to Committee on Rules for second reading.

March 30, 1989

ESB 5809 Prime Sponsor, Senator Amondson: Regarding shopping center directional signs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 9 after "least" strike "five" and insert "~~((five))~~ four"

On page 1, line 17 after "least" strike "nine" and insert "~~((nine))~~ seven"

On page 1, line 22 after "signs" strike the remainder of the subsection and insert "may be erected on each interstate or state route located within five miles of the shopping center:"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betrozoff, Cantwell, Day, Gallagher, Haugen, Heavey, Jones, Nelson, Prince, Smith, D. Sommers, Walker, S. Wilson and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives R. Fisher, Hankins, R. Meyers, Patrick and Todd.

Absent: Representatives Cooper, G. Fisher, Kremen and Prentice.

Passed to Committee on Rules for second reading.

March 31, 1989

ESSB 5810 Prime Sponsor, Committee on Agriculture: Modifying responsibility for hazardous material incidents. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 26, after "incident" strike "command" and insert "oversight"

Signed by Representatives Rust, Chair; Valle, Vice Chair; D. Sommers, Ranking Republican Member; Brekke, G. Fisher, Fraser, Phillips, Pruitt, Schoon, Sprenkle, Van Luven and Walker.

Passed to Committee on Rules for second reading.

March 30, 1989

ESSB 5819 Prime Sponsor, Committee on Environment and Natural Resources: Increasing the penalties for poaching, including seizure and forfeiture of certain personal property. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. In order to improve the enforcement of wildlife laws it is important to increase the penalties upon poachers by seizing the conveyances and gear that are used in poaching activities and to cause forfeiture of those items to the department.

NEW SECTION, Sec. 2. (1) Wildlife agents and ex officio wildlife agents may seize without a warrant wildlife, as defined in RCW 77.08.010(16), they have probable cause to believe have been taken, killed, transported, or possessed in violation of this title or rule of the commission or director. Agents may also seize without warrant boat(s), vehicle(s), all conveyances, airplane(s), motorized implement(s), gear, appliance(s), or other articles they have probable cause to believe: (a) Are held with intent to violate; or (b) were used in the violation of Title 77 RCW, or any regulation pursuant thereto when the species involved is one which is listed in RCW 77.21.070, or any wildlife involved in trafficking under RCW 77.16.040 or illegal netting of game fish under RCW 77.16.060. However, agents may not seize any item or article, other than

evidence, from a violator if under the circumstances it is reasonable to conclude that the violation was inadvertent. The articles seized shall be forfeited to the state, upon conviction, plea of guilty, or bail forfeiture. Articles seized may be recovered by their owner by depositing into court a cash bond equal to the value of the seized articles. The cash bond is subject to forfeiture in lieu of the seized articles.

(2)(a) In the event of a seizure of an article under subsection (1) of this section, proceedings for forfeiture shall be deemed commenced by bail forfeiture, plea of guilty, or upon conviction. The seizing authority shall serve notice within fifteen days following the seizure on the owner of the property seized and on any person having any known right or interest in the property seized. Notice may be served by any method authorized by law or court rule, including service by certified mail with return receipt requested, and service by such mail shall be deemed complete upon mailing within the fifteen-day period following the seizure.

(b) If no person notifies the department in writing of the person's claim of ownership or right to possession of articles seized pursuant to subsection (1) of this section within forty-five days of the seizure, the articles shall be deemed forfeited.

(c) If any person notifies the department in writing within forty-five days of the seizure, the person shall be afforded an opportunity to be heard as to the claim or right. The hearing shall be before the director or his designee, or before an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. The department hearing and any appeal therefrom shall be under Title 34 RCW. The burden of producing evidence shall be upon the person claiming to be the lawful owner or person claiming lawful right of possession of the articles seized. The department shall promptly return the seized articles to the claimant upon a determination by the director or designee, an administrative law judge, or a court that the claimant is the present lawful owner or is lawfully entitled to possession of the articles seized, and that the seized articles were improperly seized.

(d)(i) No conveyance, including vessels, vehicles, or aircraft, is subject to forfeiture under this section by reason of any act or omission established by the owner of the conveyance to have been committed or omitted without his knowledge or consent.

(ii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge nor consented to the act or omission.

(e) When seized property is forfeited under this section the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release such property to such agency for the use of enforcing Title 77 RCW, or sell such property, and deposit the proceeds to the wildlife fund in the state treasury, as provided for in RCW 77.12.170.

NEW SECTION. Sec. 3. (1) The burden of proof of any exemption or exception to seizure or forfeiture of personal property involved with wildlife offenses is upon the person claiming it.

(2) An authorized state, county, or municipal officer may be subject to civil liability under section 2 of this act for willful misconduct or gross negligence in the performance of his or her duties.

(3) The director of wildlife, the wildlife commission, or the department of wildlife may be subject to civil liability for their willful or reckless misconduct in matters involving the seizure and forfeiture of personal property involved with wildlife offenses.

Sec. 4. Section 334, chapter 258, Laws of 1984 as amended by section 25, chapter 506, Laws of 1987 and RCW 77.12.170 are each amended to read as follows:

(1) There is established in the state treasury the state wildlife fund which consists of moneys received from:

- (a) Rentals or concessions of the department;
- (b) The sale of real or personal property held for department purposes;
- (c) The sale of licenses, permits, tags, stamps, and punchcards required by this title;
- (d) Fees for informational materials published by the department;
- (e) Fees for personalized vehicle license plates as provided in chapter 46.16 RCW;
- (f) Articles or wildlife sold by the director under this title;
- (g) Compensation for wildlife losses or gifts or grants received under RCW 77.12.320;

((and))

(h) Excise tax on anadromous game fish collected under chapter 82.27 RCW; and

(i) The sale of personal property seized by the department for wildlife violations.

(2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state wildlife fund.

Sec. 5. Section 77.12.110, chapter 36, Laws of 1955 as last amended by section 72, chapter 506, Laws of 1987 and RCW 77.21.040 are each amended to read as follows:

(1) ~~(In addition to other penalties provided by law, a court may forfeit, for the use of the department, wildlife seized under this title and proven, in either a criminal or civil action, to have been unlawfully taken, killed, transported, or possessed and articles or devices seized under this title and proven, in either a criminal or civil action, to have been unlawfully used or held with intent to unlawfully use. Unless forfeited by the court, the department shall return an~~

~~item seized under this title to its owner after the completion of the case and all fines have been paid. If the owner of a seized item cannot be found, the court may forfeit that item after summons has been served by publication as in civil actions and a hearing has been held.~~

~~(2)) Wildlife unlawfully taken or possessed remains the property of the state.~~

~~((3)) (2) The director may sell articles or devices seized and forfeited under this title by the court at public auction. The time, place, and manner of holding the sale shall be determined by the director. The director shall publish notice of the sale once a week for at least two consecutive weeks prior to the sale in at least one newspaper of general circulation in the county in which the sale is to be held. Proceeds from the sales shall be deposited in the state treasury to be credited to the state wildlife fund.~~

Sec. 6. Section 77.32.260, chapter 36, Laws of 1955 as last amended by section 73, chapter 506, Laws of 1987 and RCW 77.21.060 are each amended to read as follows:

(1) Upon conviction of a violation of this title or rules adopted pursuant to this title, the court may forfeit a license, in addition to other penalties provided by law. Upon subsequent conviction, the forfeiture of the license is mandatory. The director may prohibit issuance of a license to a person convicted two or more times or prescribe the conditions for subsequent issuance of a license.

(2) It shall be unlawful for a person to conduct an activity requiring a wildlife license, tag, or stamp for which they have had a license forfeiture or for which the director has prohibited the issuance of a license.

NEW SECTION. Sec. 7. Sections 2 and 3 of this act are each added to chapter 77.12 RCW.

NEW SECTION. Sec. 8. Section 77.12.100, chapter 36, Laws of 1955, section 23, chapter 78, Laws of 1980, section 21, chapter 506, Laws of 1987 and RCW 77.12.100 are each repealed."

On page 1, line 2 of the title, after "offenses;" strike the remainder of the title and insert "amending RCW 77.12.170, 77.21.040, and 77.21.060; adding new sections to chapter 77.12 RCW; creating a new section; and repealing RCW 77.12.100."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Locke, Moyer and Schmidt.

Passed to Committee on Rules for second reading.

March 30, 1989

ESB 5826 Prime Sponsor, Senator Bauer: Extending the student teaching pilot projects until December 1990. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Belcher, Bowman, Brekke, Dorn, Doty, Ebersole, Hine, McLean, Nealey, Padden, Peery, Spanel, Wang and Wineberry.

Absent: Representatives Appelwick, Braddock and Brough.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5843 Prime Sponsor, Committee on Governmental Operations: Modifying the regulations for metropolitan park districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

On page 3, after line 14, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 35.61 RCW to read as follows:

Metropolitan park district territory that is located outside of the boundaries of a city may be removed or withdrawn from the metropolitan park district as provided in this section.

The withdrawal of such territory shall be initiated by either resolution of the park district commissioners, or the filing of a petition requesting such a withdrawal that has been signed by registered voters residing in the area proposed to be withdrawn at least equal in number to twenty percent of the total number of voters residing in this area who voted at the last preceding general election. However, if no registered voters reside in the area proposed to be withdrawn, the petition must be signed by the owners, as described under RCW 35A.01.040, of at least a majority of the acreage in the area proposed to be withdrawn.

A petition or resolution shall describe the territory proposed to be withdrawn, propose that this area be withdrawn, describe how and by which public entity or entities park and recreation services and facilities will be provided to the residents of this area if the withdrawal were

to occur, and describe how the existence of the metropolitan park district in this area affects the authority of other junior taxing districts to impose their property tax levies.

A resolution shall be filed with the county legislative authority of the county within which the territory proposed to be withdrawn is located, and a petition shall be filed with the county auditor of the county within which the territory proposed to be withdrawn is located. The auditor shall examine the signatures on a petition and certify the sufficiency or insufficiency of the signatures within ten working days of submission of the petition. If the petition has been certified as containing sufficient valid signatures, the certification shall be transmitted to the county legislative authority of the county within which the territory is located.

A public hearing on the proposed withdrawal of territory from a metropolitan park district shall be held by the county legislative authority within sixty days of the date of either the filing of a resolution proposing the withdrawal or the transmittal of the certification that a petition contains sufficient valid signatures. After receiving public testimony on the proposed withdrawal, the county legislative authority shall consider: (1) The adequacy of the provision of park and recreation services and facilities for the residents of the area proposed to be withdrawn if the withdrawal were to occur; (2) the impact on the authority of other junior taxing districts in the area to impose regular property taxes if the withdrawal were to occur; and (3) the impact to the metropolitan park district tax collections from the proposed withdrawal of territory.

If the county legislative authority finds that the withdrawal of the area proposed to be withdrawn is in the public interest, it shall adopt a resolution providing for the withdrawal and establishing an effective date for the withdrawal which shall be thirty-one or more days after the date of the adoption of the resolution. Registered voters of the area proposed to be withdrawn may file a referendum petition on the proposed withdrawal with the county auditor during the thirty-day period immediately following the adoption of the resolution, which petition must be signed by registered voters residing in the area proposed to be withdrawn equal in number to at least twenty percent of the number of voters residing in this area who voted at the last preceding general election.

If a referendum petition has been filed containing sufficient valid signatures within this thirty-day period, the effect of the withdrawal shall be held in abeyance and a ballot proposition authorizing the withdrawal shall be submitted to the voters residing in the area at the next special election date specified in RCW 29.13.020 that occurs forty-five or more days after the petition has been certified by the county auditor as containing sufficient valid signatures. Approval of the ballot proposition authorizing the withdrawal shall be by simple majority vote of the voters of the area who vote on the proposition, and the date of the withdrawal shall occur when the results of the election have been certified at which a simple majority vote was in favor of the withdrawal.

The metropolitan park district shall continue providing park and recreation services within this area, and maintaining its facilities within this area, during the year in which the regular property taxes of the district are collected on the property in the area so withdrawn, unless an agreement between the county and metropolitan park district provides otherwise. Property within the area so withdrawn shall remain liable for any special levies imposed to retire voter approved indebtedness of the metropolitan park district that were authorized prior to the withdrawal, and any assessments imposed on the property by the metropolitan park district prior to the withdrawal, as if the area had not been withdrawn.

The procedure authorized in this section to withdraw territory from metropolitan park districts is not exclusive, and shall be construed to be an alternative procedure to the procedures authorized under RCW 35.61.360."

Signed by Representatives Haugen, Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representatives Cooper, Vice Chair.

Passed to Committee on Rules for second reading.

March 29, 1989

SB 5853 Prime Sponsor, Senator Pullen: Penalizing use of a machine gun in a felony. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Brough, Dellwo, Hargrove, Inslee, P. King, Locke, Moyer, H. Myers, Patrick, Scott, D. Sommers and Tate.

Voting nay: Representative R. Meyers.

Absent: Representatives Belcher, Brough and Schmidt.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5857 Prime Sponsor, Committee on Governmental Operations: Authorizing transfer of fixed assets acquired under bonds authorized for facilities for the developmentally disabled. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: Do pass Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Beck, Betrozoff, Braddock, Fraser, Jacobsen, Wang and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1989

SSB 5889 Prime Sponsor, Committee on Agriculture: Authorizing entities furnishing utility services to assist their customers in water conservation. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 10 after "municipal corporations," strike "quasi-municipal corporations" and insert "public utility districts, water districts"

On page 1, after line 20 insert:

"NEW SECTION, Sec. 2. The terms 'conservation' and 'efficient use of water' shall have the meaning established by the Joint Select Committee on Water Resource Policy."

Renumber the remaining sections consecutively.

On page 4, after line 35 strike all material through "length." on page 6, line 1

On page 1, beginning on line 3 of the title after "57.08 RCW;" strike all material through "section" on line 4, and insert "creating new sections"

Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Fuhrman, Hargrove, Raiter and Sayan.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 5903 Prime Sponsor, Committee on Health Care & Corrections: Providing nursing home care for medically fragile children. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Republican Member; Chandler, Morris, Prentice, D. Sommers, Sprengle and Wolfe.

Absent: Representatives Cantwell and D. Sommers.

Referred to Committee on Appropriations.

March 30, 1989

ESSB 5905 Prime Sponsor, Committee on Energy & Utilities: Modifying building code council authority. Reported by Committee on Housing

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 360, Laws of 1985 and RCW 19.27.015 are each amended to read as follows:

As used in this chapter:

(1) 'City' means a city or town: ((and))

(2) 'Multifamily residential building' means common wall residential buildings that consist of four or fewer units, that do not exceed two stories in height, that are less than five thousand square feet in area, and that have a one-hour fire-resistive occupancy separation between units; and

(3) 'Fire suppression ordinance' means any ordinance or resolution adopted by a county or city that adds or alters construction requirements to buildings and structures built to the codes enumerated in RCW 19.27.031 as adopted and amended by the state building code council for residential buildings that are less than three stories in height or contain fifteen or fewer dwelling units under the Group R, Division 1 occupancies, as defined in the uniform building code, 1988 edition or single-family residential buildings under Group R, Division 3 occupancies, as defined in the uniform building code, 1988 edition.

Sec. 2. Section 5, chapter 360, Laws of 1985 and RCW 19.27.031 are each amended to read as follows:

Except as otherwise provided in this chapter, there shall be in effect in all counties and cities the state building code which shall consist of the following codes which are hereby adopted by reference:

(1) Uniform Building Code and Uniform Building Code Standards, ~~((1982 edition;))~~ published by the International Conference of Building Officials;

(2) Uniform Mechanical Code, ~~((1982 edition;))~~ including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials;

(3) The Uniform Fire Code and Uniform Fire Code Standards, ~~((1982 edition;))~~ published by the International Conference of Building Officials and the Western Fire Chiefs Association: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

(4) The Uniform Plumbing Code and Uniform Plumbing Code Standards, ~~((1982 edition;))~~ published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapters 11 and 12 of such code are not adopted; and

(5) The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided in RCW 70.92.100 through 70.92.160.

In case of conflict among the codes enumerated in subsections (1), (2), (3), and (4) of this section, the first named code shall govern over those following.

The codes enumerated in this section shall be adopted by the council as provided in RCW 19.27.074.

The council may issue opinions relating to the codes at the request of a local building official.

Sec. 3. Section 6, chapter 96, Laws of 1974 ex. sess. as last amended by section 12, chapter 462, Laws of 1987 and RCW 19.27.060 are each amended to read as follows:

(1) The governing bodies of counties and cities may amend the codes enumerated in RCW 19.27.031 as amended and adopted by the state building code council as they apply within their respective jurisdictions, but the amendments shall not result in a code that is less than the minimum performance standards and objectives contained in the state building code.

(a) No amendment to a code enumerated in RCW 19.27.031 as amended and adopted by the state building code council that affects single family or multifamily residential buildings shall be effective unless the amendment is approved by the building code council under RCW 19.27.074(1)(b).

(b) Any county or city amendment to a code enumerated in RCW 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue to be effective after any action is taken under RCW 19.27.074(1)(a) without necessity of reapproval under RCW 19.27.074(1)(b) unless the amendment is declared null and void by the council at the time any action is taken under RCW 19.27.074(1)(a) because such action in any way altered the impact of the amendment.

(2) Except as permitted or provided otherwise under this section, the state building code shall be applicable to all buildings and structures including those owned by the state or by any governmental subdivision or unit of local government.

(3) The governing body of each county or city may limit the application of any portion of the state building code to exclude specified classes or types of buildings or structures according to use other than single family or multifamily residential buildings: PROVIDED, That in no event shall fruits or vegetables of the tree or vine stored in buildings or warehouses constitute combustible stock for the purposes of application of the uniform fire code.

(4) The provisions of this chapter shall not apply to any building four or more stories high with a B occupancy as defined by the uniform building code, 1982 edition, and with a city fire insurance rating of 1, 2, or 3 as defined by a recognized fire rating bureau or organization.

(5) No provision of the uniform fire code concerning roadways shall be part of the state building code: PROVIDED, That this subsection shall not limit the authority of a county or city to adopt street, road, or access standards.

(6) The provisions of the state building code may be preempted by any city or county to the extent that the code provisions relating to the installation or use of sprinklers in jail cells conflict with the secure and humane operation of jails.

Sec. 4. Section 2, chapter 360, Laws of 1985 and RCW 19.27.074 are each amended to read as follows:

(1) The state building code council shall:

(a) Adopt and maintain the codes to which reference is made in RCW 19.27.031 in a status which is consistent with the state's interest as set forth in RCW 19.27.020. In maintaining these codes, the council shall regularly review updated versions of the codes referred to in RCW 19.27.031 and other pertinent information and shall amend the codes as deemed appropriate by the council;

(b) Approve or deny ~~((and))~~ proposed or enacted county or city amendments to any code referred to in RCW 19.27.031 to the degree the amendments apply to single family or multifamily residential buildings;

(c) Review and make comments on fire suppression ordinances pursuant to the following conditions:

(i) Cities and counties must transmit a copy of any proposed fire suppression ordinance that will take effect after March 31, 1989, to the state building code council for review and comment.

(ii) The state building code council shall review and make comments within sixty days of the receipt of the ordinance.

(iii) Counties and cities may not finally adopt the fire suppression ordinance until the state building code council has forwarded its comments to the county or city, or until the sixty-day review period has expired, whichever occurs first.

(d) As required by the legislature, develop and adopt any codes relating to buildings; and
((d)) (e) Propose a budget for the operation of the state building code council to be submitted to the office of financial management pursuant to RCW 43.88.090.

(2) The state building code council may:

(a) Appoint technical advisory committees which may include members of the council;

(b) Employ permanent and temporary staff and contract for services; and

(c) Conduct research into matters relating to any code or codes referred to in RCW 19.27.031 or any related matter.

All meetings of the state building code council shall be open to the public under the open public meetings act, chapter 42.30 RCW. All actions of the state building code council which adopt or amend any code of state-wide applicability shall be pursuant to the administrative procedure act, chapter ~~(34.04)~~ 34.05 RCW.

All council decisions relating to the codes enumerated in RCW 19.27.031 shall require approval by at least a majority of the members of the council.

All decisions to adopt or amend codes of state-wide application shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year.

Sec. 5, Section 3, chapter 360, Laws of 1985 and RCW 19.27.078 are each amended to read as follows:

(1) The state building code council shall contract with a private entity to conduct a study and analysis of the codes referred to in RCW 19.27.031 and related regulations of state and local agencies to ascertain the amount and nature of any conflict and inconsistencies. The findings and proposed solutions resulting from this study and analysis shall be submitted to the state building code council no later than September 1, 1987. The state building code council shall consider these findings and proposed solutions when carrying out its responsibilities under RCW 19.27.074.

(2) The state building code council shall conduct a study of county and city enforcement of the requirements of the codes to which reference is made in RCW 19.27.031. In conducting the study, the council shall conduct public hearings at designated council meetings to seek input from interested individuals and organizations. The findings of the study shall be submitted in a report to the governor and the legislature no later than September 1, 1987.

(3) The study required under subsection (2) of this section shall include, but not be limited to, a review of the impact of discretionary building permit requirements imposed by local code enforcement personnel. This review shall be designed to determine the extent, if any, to which such discretionary requirements are based upon (a) the requirements of the state building code or (b) city or county amendments to the state building code.

(4) The state building code council shall conduct a study to identify and define stand-alone ordinances adopted by counties and cities that add or alter construction requirements to buildings and structures built under the codes enumerated in RCW 19.27.031, as adopted and amended by the state building code council. In conducting the study, the council shall consult with representatives from counties, cities, home builders, architects, building officials, and fire officials. To aid in data collection, local governments shall submit fire suppression ordinances in effect on March 31, 1989, to the state building code council. The findings of the study shall be submitted in a written report to the house of representatives committee on housing and the senate governmental operations committee no later than November 1, 1989.

(5) The study required under subsection (4) of this section shall include, but not be limited to, a review of ordinances or regulations adopted by counties and cities that add or alter construction requirements to buildings and structures built under the codes enumerated in RCW 19.27.031.

Sec. 6, Section 9, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.090 are each amended to read as follows:

Local land use and zoning requirements, building setbacks, side and rear-yard requirements, site development, property line requirements, ~~((subdivision))~~ requirements adopted by counties or cities pursuant to chapter 58.17 RCW, snow load requirements, wind load requirements, and local fire zones are specifically reserved to local jurisdictions notwithstanding any other provision of this ~~(1974 act)~~ chapter.

NEW SECTION. Sec. 7. The building code council shall, within one year of the effective date of this act, adopt a process for the review of proposed state-wide amendments to the codes

enumerated in RCW 19.27.031, and proposed or enacted local amendments to the codes enumerated in RCW 19.27.031 as amended and adopted by the state building code council.

NEW SECTION, Sec. 8. Any county of the seventh class that had in effect on July 1, 1985, an ordinance or resolution authorizing and regulating the construction of owner-built residences may reenact such an ordinance or resolution if the ordinance or resolution is reenacted before September 30, 1989. After reenactment, the county, shall transmit a copy of the ordinance to the state building code council."

On page 1, line 1 of the title, after "council;" strike the remainder of the title and insert "amending RCW 19.27.015, 19.27.031, 19.27.060, 19.27.074, 19.27.078, and 19.27.090; and creating new sections."

Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Winsley, Ranking Republican Member; Anderson, Inslee, Padden, Rector and Todd.

Absent: Representative Ballard.

Referred to Committee on Appropriations.

March 30, 1989

SB 5907 Prime Sponsor, Senator Hansen: Changing provisions relating to annexations and incorporations involving a portion of a fire protection district. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments.

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 35.13.248, chapter 7, Laws of 1965 as last amended by section 19, chapter 234, Laws of 1986 and RCW 35.02.200 are each amended to read as follows:

(1) If a portion of a fire protection district including less than sixty percent of the assessed value of the real property of the district is annexed to or incorporated into a city or town, the ownership of all assets of the district shall remain in the district and the district shall pay to the city or town within one year or within such period of time as the district continues to collect taxes in such incorporated or annexed areas, in cash, properties or contracts for fire protection services, a percentage of the value of said assets equal to the percentage of the value of the real property in the entire district lying within the area so incorporated or annexed: PROVIDED, That if the area annexed or incorporated includes less than five percent of the (~~assessed value of the real property~~) area of the district, no payment shall be made to the city or town except as provided in section 3 of this act.

(2) As provided in RCW 35.02.210, the fire protection district from which territory is removed as a result of an incorporation or annexation shall provide fire protection to the incorporated or annexed area for such period as the district continues to collect taxes levied in such annexed or incorporated area.

(3) For the purposes of this section, the word 'assets' shall mean the total assets of the fire district, reduced by its liabilities, including bonded indebtedness, the same to be determined by usual and accepted accounting methods. The amount of said liability shall be determined by reference to the fire district's balance sheet, produced in the regular course of business, which is nearest in time to the certification of the annexation of fire district territory by the city or town.

Sec. 2. Section 35A.14.400, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.400 are each amended to read as follows:

If a portion of a fire protection district including less than sixty percent of the assessed value of the real property of the district is annexed to or incorporated into a code city, the ownership of all assets of the district shall remain in the district and the district shall pay to the code city within one year or within such period of time as the district continues to collect taxes in such incorporated or annexed areas, in cash, properties or contracts for fire protection services, a percentage of the value of said assets equal to the percentage of the value of the real property in the entire district lying within the area so incorporated or annexed: PROVIDED, That if less than five percent of the area of the district is affected, no payment shall be made to the code city except as provided in section 3 of this act. The fire protection district shall provide fire protection to the incorporated or annexed area for such period as the district continues to collect taxes levied in such annexed or incorporated area.

NEW SECTION, Sec. 3. A new section is added to chapter 35.02 RCW to read as follows:

(1) A distribution of assets from the fire protection district to the city or town shall occur as provided in this section upon the annexation or incorporation of an area by the city or town that constitutes less than five percent of the area of the fire protection district upon the adoption of a resolution by the city or town finding that the annexation or incorporation will impose a significant increase in the fire suppression responsibilities of the city or town with a corresponding reduction in fire suppression responsibilities by the fire protection district. Such a resolution must be adopted within sixty days of the effective date of the annexation, or within sixty days of the official date of incorporation of the city. If the fire protection district does not concur

in the finding within sixty days of when a copy of the resolution is submitted to the board of commissioners, arbitration shall proceed under subsection (3) of this section over this issue.

(2) An agreement on the distribution of assets from the fire protection district to the city or town shall be entered into by the city or town and the fire protection district within ninety days of the concurrence by the fire protection district under subsection (1) of this section, or within ninety days of a decision by the arbitrators under subsection (3) of this section that a significant increase in the fire protection responsibilities will be imposed upon the city or town as a result of the incorporation or annexation. A distribution shall be based upon the extent of the increased fire suppression responsibilities with a corresponding reduction in fire suppression responsibilities by the fire protection district, and shall consider the impact of any debt obligation that may exist on the property that is so annexed or incorporated. If an agreement is not entered into after this ninety-day period, arbitration shall proceed under subsection (3) of this section concerning this issue unless both parties have agreed to an extension of this period.

(3) Arbitration shall proceed under this subsection over the issue of whether a significant increase in the fire protection responsibilities will be imposed upon the city or town as a result of the annexation or incorporation with a corresponding reduction in fire suppression responsibilities by the fire protection district, or over the distribution of assets from the fire protection district to the city or town if such a significant increase in fire protection responsibilities will be imposed. A board of arbitrators shall be established for an arbitration that is required under this section. The board of arbitrators shall consist of three persons, one of whom is appointed by the city or town within sixty days of the date when arbitration is required, one of whom is appointed by the fire protection district within sixty days of the date when arbitration is required, and one of whom is appointed by agreement of the other two arbitrators within thirty days of the appointment of the last of these other two arbitrators who is so appointed. If the two are unable to agree on the appointment of the third arbitrator within this thirty-day period, then the third arbitrator shall be appointed by a judge in the superior court of the county within which all or the greatest portion of the area that was so annexed or incorporated lies. The determination by the board of arbitrators shall be binding on both the city or town and the fire protection district."

On page 1, line 2 of the title, after "district," strike the remainder of the title and insert "amending RCW 35.02.200 and 35A.14.400; and adding a new section to chapter 35.02 RCW."

Signed by Representatives Haugen, Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representatives Cooper, Vice Chair; Nutley and Todd.

Passed to Committee on Rules for second reading.

March 31, 1989

ESSB 5911 Prime Sponsor, Committee on Ways & Means: Providing for the sale of state timber. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The forest resources of Washington are among the most valuable of the state's resources. They provide significant opportunities for employment, education, and enjoyment, and they support a variety of uses. These forest resources are increasingly impacted by pressure from a variety of sources, which will result in changes in current management practices for the resources and in changes in the economies which are dependent on these resources.

The legislature desires to develop forest management policies that anticipate emerging issues and assure a response which will protect and enhance those economic and ecological systems that are dependent on the resources. The legislature also desires to obtain information which enables better decision-making, to investigate land acquisitions which will aid in good forest management practices, and to identify courses of action which will assist counties in receiving a reliable flow of income from county forest lands. The legislature finds that it is in the best interests of the state and the counties to establish a process which encourages the counties, through their boards of county commissioners or county councils, to share in the decision making relating to the sale of timber from forest board lands as they seek to assure the economic stability of their communities.

Further, the legislature finds that recent management decisions concerning federally owned forested lands have significantly reduced the amount of timber available to small businesses with facilities in Washington. This reduction has caused and will increasingly cause economic hardship in counties where a significant portion of the population is employed in the timber industry. In these counties, the rate of unemployment among residents previously employed in the timber industry has risen drastically and will continue to rise. This will put an

increasing burden on the counties to provide necessary financial and social support to these residents.

NEW SECTION, Sec. 2. A new section is added to chapter 76.12 RCW to read as follows:

(1) Whenever the board of county commissioners or the county council of any county determines that it is in the best interests of the county as a trust beneficiary and that it would help to ensure the economic viability of that county, the county may petition the board of natural resources to reserve, for the purposes described in this section, a portion of the timber to be sold in any given year from forest lands which have been acquired from that county by the state pursuant to RCW 76.12.030. The county shall specify what portion of such timber is to be reserved, and the portion reserved may be up to one hundred percent of such timber.

(2) Timber reserved under this section shall be made available for sale to enterprises meeting the criteria established in connection with the small business administration and contained in 15 U.S.C.S. sections 631 and 632 and the regulations adopted under those sections, as contained in the small business act of 1953, as amended and in effect as of January 1, 1989, and to enterprises which are cooperatives as defined in RCW 43.63A.230. These enterprises shall operate facilities in Washington which manufacture lumber, plywood, veneer, posts, poles, pilings, shakes, shingles, pulp, or pulp products. Once the board of natural resources has accepted the petition of a county to reserve a portion of timber pursuant to this section, the department shall compile a list of enterprises which are eligible to purchase reserved timber. Timber reserved under this section shall be sold only to enterprises contained in that list.

(3) If a county petitions the board of natural resources to reserve timber as provided in this section, the use of the forest board land trust assets for the purposes of this act shall be deemed to be consistent with the trust mandate imposed on the management of lands acquired pursuant to RCW 76.12.030.

(4) A petition to reserve a portion of timber may be revoked by the board of county commissioners or county council. Notice of such revocation shall be delivered to the board of natural resources. The board of natural resources shall not unreasonably deny such a request. Such revocation shall not impair any sale of timber which occurs before the board of natural resources receives the notice.

NEW SECTION, Sec. 3. By December 1, 1990, and annually thereafter until December 1, 1994, the board of natural resources shall report to the appropriate legislative committees and the Washington forest resources council on the amount of reserved timber sold pursuant to section 2 of this act. The report shall identify the quantity of the reserved timber which was not exported out of state in the form of raw logs, and shall identify the quantity which was processed into final products within the state. The report shall also identify which counties have elected to reserve timber pursuant to this section, and shall identify any rules which have been adopted in the last year for the implementation of this section.

NEW SECTION, Sec. 4. (1) The forest industry plays a major role in Washington's economy. It provides economic vitality to many communities, and through timber harvesting activities it supports the state trusts. The legislature desires to add to these beneficial aspects of forest management by evaluating actions which will protect environmentally sensitive areas while stabilizing economies and meeting trust needs. These actions include purchasing forest lands for addition to the existing land base managed by the state, land exchanges between trusts and possibly reorganizing the forest board trusts.

(2) The department of natural resources shall prepare a report which identifies opportunities for acquisition of private lands for addition to the land base of the state trusts, criterion which might guide land acquisitions, factors to consider in determining whether to acquire additional lands, the benefits and liabilities of possible land acquisitions, and other items as it shall deem appropriate.

The department shall identify possible sources of funds with which to acquire forest lands. Further, it shall assess the advantages and disadvantages of using each potential fund source.

(3) The department of natural resources shall report to the appropriate committees of the senate and house of representatives on the fiscal impacts to counties of creating a unitary trust for property known as forest board transfer land. This report shall assess the impact to counties over the course of sixty years. It shall evaluate alternative criteria for revenue distribution and methods to ensure equity among counties. The department shall seek advice from counties with forest board transfer lands in preparing its recommendations.

(4) The department of natural resources shall evaluate the financial and management impacts and advantages and disadvantages associated with exchanging forest board transfer trust land for land containing forests with old growth characteristics held in trust for the common schools. This report shall consider the impact on the forest board transfer lands individually and if the lands were managed as a unitary trust.

(5) These reports shall be presented to the appropriate committees of the house of representatives and senate by December 1, 1989.

Trust land management shall continue unaffected during the report preparation.

NEW SECTION, Sec. 5. (1) The governor shall form an inter-agency timber stabilization task force to include, but not limited to, the department of trade and economic development, the department of community development, the center for international trade in forest products,

and the department of natural resources. The task force shall oversee the economic development programs under sections 6 through 8 of this act, including the designation of areas of the state adversely impacted by reductions in timber harvested from federal lands. Further, the task force shall oversee any long term timber supply study receiving funding from the 1989 legislature.

(2) For purposes of sections 6 through 8 of this act 'timber industry' means firms within the standard industrial classification code numbers twenty-four, twenty-five, and twenty-six.

NEW SECTION. Sec. 6. (1) The department of trade and economic development with the cooperation of the department of community development shall administer a timber industrial extension service. The timber industrial extension service shall provide technical and financial assistance to enterprises in the timber industry which are eligible under section 2(2) of this act. Where appropriate, the extension service shall give priority to the development of value-added production and markets. The department may contract for services provided for under this section. Assistance under this section shall include, but shall not be limited to, the following:

(a) Technical and financial assistance for the modernization of firms through methods such as adopting new manufacturing technologies and retooling for the processing of second growth timber.

(b) Technical and financial assistance for the development of new products, with priority given to the development of products requiring secondary processing.

(c) Technical and financial assistance in the identification and filling of new markets;

(d) Technical and financial assistance in forming networks or consortiums of firms to provide economies of scale and to provide joint marketing, training, manufacturing, or product development.

For the financial assistance provided under this section the department of trade and economic development shall utilize existing state finance programs and shall assist firms in seeking private and federal financial assistance.

(2) The department of trade and economic development shall administer a timber supply broker program to provide special expertise in the identification of supplies of timber which may become available to enterprises identified by the program as needing additional supplies of timber for processing. The department may contract for services provided for under this subsection.

(3) The department of trade and economic development shall contract with the northwest policy center at the university of Washington to study the economy of areas of the state impacted by substantial reductions in timber harvested from federal lands. The study shall:

(a) Include an analysis of the present economy of the areas;

(b) Identify the social, economic, and employment effects associated with withdrawals of land from commercial timber production;

(c) Contain an assessment of possible changes to local economies and the state economy if forest lands continue to produce resources under existing management methods without additional land withdrawals from timber production by legislative decisions;

(d) Contain an assessment of the impact of anticipated technological changes in the forest products industry, possible structural changes in the forest products industry, possible investments in new or existing industries, and known impacts from previous withdrawals of land from timber production;

(e) Contain an assessment of the future economic impact of the forest product industry if the land base for commercial timber production remains unchanged and the sale of public timber for overseas export is prohibited immediately; and

(f) Evaluate potential methods for increasing the economic development of the areas, including the creation or enhancement of high value-added production.

The study shall give emphasis to recommendations for future economic development. The department of trade and economic development and the northwest policy center shall report findings to the governor and to the appropriate legislative committees on December 1, 1990.

(4)(a) The sum of four hundred seven thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of trade and economic development for the biennium ending June 30, 1991, for the purposes of subsection (1) of this section;

(b) The sum of one hundred forty-five thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of trade and economic development for the biennium ending June 30, 1991, for the purposes of subsection (2) of this section; and

(c) The sum of two hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of trade and economic development for the biennium ending June 30, 1991, for the purposes of subsection (3) of this section.

NEW SECTION. Sec. 7. (1) The department of community development shall provide technical and financial assistance to communities adversely impacted by reductions in timber harvested from federal lands. This assistance shall include the formation and implementation of community economic development plans. The department of community development shall utilize existing state technical and financial assistance programs, and shall aid communities in

seeking private and federal financial assistance for the purposes of this section. The department may contract for services provided for under this section.

(2) The department of community development shall provide grants to two nonprofit organizations for local reemployment centers to be located in areas of the state adversely impacted by reductions in timber harvested from federal lands. Each center shall provide direct and referral services to the unemployed. These services may include reemployment assistance, medical services, social services including marital counseling, mortgage foreclosure, and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services are designed to supplement and not supplant the on-going efforts of local job centers administered by the employment security department and any reemployment centers already existing. No more than five percent of the appropriation in subsection (4)(b) of this section may be used for administrative costs.

(3) The department of community development shall provide technical and financial assistance on employee ownership to employees and firms in the timber industry which are threatened with closure or substantial layoffs. Assistance under this section shall include training for labor and management in the operation of an employee-owned firm. The department may contract for services provided for under this section.

(4)(a) The sum of five hundred sixty-five thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of community development for the biennium ending June 30, 1991, for the purposes of subsection (1) of this section;

(b) The sum of two hundred forty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of community development for the biennium ending June 30, 1991, for the purposes of subsection (2) of this section; and

(c) The sum of one hundred thousand dollars or as much thereof as may be necessary, is appropriated from the general fund to the department of community development for the biennium ending June 30, 1991, for the purposes of subsection (3) of this section.

NEW SECTION. Sec. 8. (1) The department of natural resources shall provide additional technical assistance in timber management to small private forest land owners for the purpose of increasing the supply of timber.

(2) The department of natural resources shall conduct a study of state owned hardwood forests. The study shall include, but is not limited to: A comprehensive inventory of state owned hardwood forests and a qualitative assessment of those stands, research into reforestation of hardwoods on state lands, and an analysis of management policies for increasing the supply of commercially harvestable hardwoods on state lands.

(3) The department of natural resources shall contract for labor intensive forest land management activities in areas of the state adversely impacted by reductions in timber sales from federal lands. Contracts provided for under this section shall be in addition to and shall not supplant or displace activities normally administered by the department. The department shall, to the extent feasible, offer the additional contracts in sizes which does not discourage participation by small enterprises. The department shall cooperate with the employment security department in disseminating information on forest land management contracts to unemployed individuals who have been employed in the timber industry, and others adversely affected by reductions in timber sales from federal lands.

(4) The employment security department shall provide services for job placement through the department of natural resources' contracts for forest land management activities. Job placement services shall include widely disseminating information on the availability of department of natural resources contracts for forest land management activities and information on procedures for bidding on such contracts. Priority for these job placement services shall be given to unemployed individuals who have been employed in the timber industry and others adversely affected by reductions in timber sales from federal lands. The department shall keep track of the number of unemployed timber workers who obtain employment under this section and shall report its findings to the governor and to the appropriate legislative committees on January 1, 1990, and January 1, 1991.

(5)(a) The sum of four hundred twenty-nine thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of natural resources for the biennium ending June 30, 1991, for the purposes of subsection (1) of this section;

(b) The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of natural resources for the biennium ending June 30, 1991, for the purposes of subsection (2) of this section; and

(c) The sum of two million eight hundred thousand dollars is appropriated from the resource management cost account to the department of natural resources for the biennium ending June 30, 1991, for the purposes of subsection (3) of this section.

NEW SECTION. Sec. 9. The complexity of managing forest resources in the state, given the variety of ownerships and the diversity of people interested in the resources will increasingly require coordination, cooperation, and good communication. Decisions made affecting the people of the state often occur with little coordination among the landowners or without the knowledge of those affected by the decisions.

In order to encourage a coordinated approach to forest resource decisions there is hereby created the Washington forest resource council. The council shall consist of twenty-five members appointed by the governor. Members shall include, but not be limited to, representatives of: The governor's office; the departments of natural resources, wildlife, fisheries, trade and economic development; the United States forest service; the national park service; the United States fish and wildlife service; the Indian tribes of western Washington; the business community; large and small businesses in the forest products industry; local government; labor; the trust beneficiaries; and environmental groups. The governor shall appoint a member to serve as chair of the council.

Council members shall be appointed by the governor for staggered four year terms. They shall receive compensation in accordance with RCW 43.03.220. The governor shall appoint an executive director for the council.

The council shall advise the governor, the commission of public lands and the legislature regarding forest policies. It shall have as its primary objective making recommendations which will increase the coordination of state, federal, and private forest policies.

The sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the Washington forest resource council for the purposes of this section.

NEW SECTION, Sec. 10. (1) The Olympic institute for old growth forest and ocean research and education is hereby created. The institute shall be located in the western portion of the Olympic Peninsula. Its purpose shall be to demonstrate innovative management methods which successfully integrate environmental and economic interests into pragmatic management of forest and ocean resources. The institute shall combine research and educational opportunities with experimental forestry, oceans management, and traditional management knowledge into an overall program which demonstrates that management based on sound economic principles is made superior when combined with new methods of management based on ecological principles. The institute shall be jointly supported by the college of forest resources and the college of ocean and fishery science.

(2) There is hereby appropriated from the general fund to the University of Washington the sum of one hundred fifty thousand dollars or as much thereof as may be necessary, for the biennium ending June 30, 1991, for the purpose of preparing a development plan for the institute. The development plan shall involve policy makers from state, federal, tribal, business, and environmental interests in the preparation of management plans and as it develops programs and shall be guided by the recommendation of the old growth commission appointed by the commissioner of public lands.

NEW SECTION, Sec. 11. Sections 1 and 2 of this act shall expire June 30, 1994."

On page 1, line 1 of the title, after "lands;" strike the remainder of the title and insert "adding a new section to chapter 76.12 RCW; creating new sections; making appropriations; and providing an expiration date."

Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Dellwo, Ferguson, R. Fisher, Hargrove, Raiter and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Beck, Ranking Republican Member; Brumsickle and Fuhrman.

Referred to Committee on Appropriations.

March 30, 1989

ESSB 5931 Prime Sponsor, Committee on Governmental Operations: Creating an amateur athletics commission. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; McLean, Ranking Republican Member; Hankins, R. King, O'Brien, Rector, Sayan and Silver.

Voting nay: Representatives R. Fisher, Chair; Anderson, Vice Chair; and Morris.

Referred to Committee on Appropriations.

March 30, 1989

ESSB 5933 Prime Sponsor, Committee on Economic Development & Labor: Establishing an annual leave sharing program for state employees. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 41.04 RCW to read as follows:

The legislature finds that: (1) State employees historically have joined together to help their fellow employees who suffer from, or have relatives or household members suffering from, an extraordinary or severe illness, injury, impairment, or physical or mental condition which prevents the individual from working and causes great economic and emotional distress to the employee and his or her family; and (2) these circumstances may be exacerbated because the affected employees use all their accrued sick leave and annual leave and are forced to take leave without pay or terminate their employment. Therefore, the legislature intends to provide for the establishment of a leave sharing program.

NEW SECTION. Sec. 2. A new section is added to chapter 41.04 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 7 of this act.

(1) 'Employee' means any employee of the state, including employees of school districts and educational service districts, who are entitled to accrue sick leave or annual leave and for whom accurate leave records are maintained.

(2) 'State agency' or 'agency' means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

(3) 'Program' means the leave sharing program established in section 3 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 41.04 RCW to read as follows:

The Washington state leave sharing program is hereby created. The purpose of the program is to permit state employees, at no significantly increased cost to the state of providing annual leave, to come to the aid of a fellow state employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment.

NEW SECTION. Sec. 4. A new section is added to chapter 41.04 RCW to read as follows:

(1) An agency head may permit an employee to receive leave under this section if:

(a) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to:

(i) Go on leave without pay status; or

(ii) Terminate state employment;

(b) The employee's absence and the use of shared leave are justified;

(c) The employee has depleted or will shortly deplete his or her annual leave and sick leave reserves;

(d) The employee has abided by agency rules regarding sick leave use; and

(e) The employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW.

(2) The agency head shall determine the amount of leave, if any, which an employee may receive under this section. However, an employee shall not receive a total of more than two hundred sixty-one days of leave.

(3) An employee who has an accrued annual leave balance of more than ten days may request that the head of the agency for which the employee works transfer a specified amount of annual leave to another employee authorized to receive leave under subsection (1) of this section. In no event may the employee request a transfer of an amount of leave that would result in his or her annual leave account going below ten days.

(4) Transfers of leave made by an agency head under subsection (3) of this section shall not exceed the requested amount.

(5) Leave transferred under this section may be transferred from employees of one agency to an employee of the same agency or, with the approval of the heads of both agencies, to an employee of another state agency.

(6) While an employee is on leave transferred under this section, he or she shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(a) All salary and wage payments made to employees while on leave transferred under this section shall be made by the agency employing the person receiving the leave. The value of leave transferred shall be based upon the annual leave value of the person receiving the leave.

(b) In the case of leave transferred by an employee of one agency to an employee of another agency, the agencies involved shall arrange for the transfer of funds and credit for the appropriate value of leave.

(i) Pursuant to rules adopted by the office of financial management, funds shall not be transferred under this section if the transfer would violate any constitutional or statutory restrictions on the funds being transferred.

(ii) The office of financial management may adjust the appropriation authority of an agency receiving funds under this section only if and to the extent that the agency's existing appropriation authority would prevent it from expending the funds received.

(iii) Where any questions arise in the transfer of funds or the adjustment of appropriation authority, the director of financial management shall determine the appropriate transfer or adjustment.

(7) Leave transferred under this section shall not be used in any calculation to determine an agency's allocation of full time equivalent staff positions.

(8) The value of any leave transferred under this section which remains unused shall be returned at its original value to the employee or employees who transferred the leave when the agency head finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred. To the extent administratively feasible, the value of unused leave which was transferred by more than one employee shall be returned on a pro rata basis.

NEW SECTION, Sec. 5. A new section is added to chapter 41.04 RCW to read as follows:

The state personnel board, the higher education personnel board, and other personnel authorities shall each adopt rules applicable to employees under their respective jurisdictions: (1) Establishing appropriate parameters for the program which are consistent with the provisions of sections 1 through 4 of this act; (2) providing for equivalent treatment of employees between their respective jurisdictions and allowing transfers of leave between any of the state agencies defined in section 2 of this act; (3) establishing procedures to ensure that the program does not significantly increase the cost of providing annual leave; and (4) providing for the administration of the program.

NEW SECTION, Sec. 6. A new section is added to chapter 28A.58 RCW to read as follows:

Every school district board of directors and educational service district superintendent shall, in accordance with sections 1 through 4 of this act, establish an annual leave sharing program for their certificated and noncertificated employees. For employees of school districts and educational service districts, the superintendent of public instruction shall adopt rules: (1) Establishing appropriate parameters for the program which are consistent with the provisions of sections 1 through 4 of this act; (2) allowing transfers of leave between any of the state agencies defined in section 2 of this act; (3) establishing procedures to ensure that the program does not significantly increase the cost of providing annual leave; and (4) providing for the administration of the program.

NEW SECTION, Sec. 7. School districts, the department of personnel, the higher education personnel board, and other personnel authorities may adopt temporary emergency policies and procedures to implement the program on the effective date of this act so that donated leave may be used in lieu of leave without pay taken after the effective date of this act.

NEW SECTION, Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "adding new sections to chapter 41.04 RCW; adding a new section to chapter 28A.58 RCW; creating a new section; and declaring an emergency."

Signed by Representatives R. Fisher, Chair; Anderson, Vice Chair; Hankins, R. King, Morris, O'Brien, Rector and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives McLean, Ranking Republican Member; and Silver.

Passed to Committee on Rules for second reading.

March 28, 1989

SSB 5947 Prime Sponsor, Committee on Law & Justice: Establishing a procedure for considering abuse suffered by a defendant as a mitigating circumstance for an exceptional sentence. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

On page 2, beginning on line 9, strike subsection (h) and insert:

"(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Locke and Patrick.

Passed to Committee on Rules for second reading.

March 28, 1989

SB 5950

Prime Sponsor, Senator Talmadge: Extending the statute of limitations in child sexual abuse cases. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. (1) The legislature finds that possible confusion may exist in interpreting the statute of limitations provisions for child sexual abuse civil actions in RCW 4.16.190 and 4.16.340 regarding the accrual of a cause of action for a person under age eighteen. The legislature finds that amending RCW 4.16.340 will clarify that the time limit for commencement of an action under RCW 4.16.340 is tolled until the child reaches age eighteen. The 1989 amendment to RCW 4.16.340 is intended as a clarification of existing law and is not intended to be a change in the law.

(2) The legislature also finds that confusion in legislative intent also has arisen by deleting from the statute of limitations, provisions governing criminal law with specific reference to RCW 9A.44.070, 9A.44.080, and 9A.44.100(1)(b) when the legislature repealed those sections in the 1987 legislative session. The legislature did not intend to change the statute of limitations governing those offenses from seven years to three years.

Sec. 2. Section 1, chapter 144, Laws of 1988 and RCW 4.16.340 are each amended to read as follows:

(1) All claims or causes of action based on intentional conduct brought by any person for recovery of damages for injury suffered as a result of childhood sexual abuse shall be commenced within three years of the act alleged to have caused the injury or condition, or three years of the time the victim discovered or reasonably should have discovered that the injury or condition was caused by said act, whichever period expires later: PROVIDED, That the time limit for commencement of an action under this section is tolled for a child until the child reaches the age of eighteen years.

(2) The victim need not establish which act in a series of continuing sexual abuse or exploitation incidents caused the injury complained of, but may compute the date of discovery from the date of discovery of the last act by the same perpetrator which is part of a common scheme or plan of sexual abuse or exploitation.

(3) The knowledge of a custodial parent or guardian shall not be imputed to a person under the age of eighteen years.

(4) For purposes of this section, 'child' means a person under the age of eighteen years.

(5) As used in this section, 'childhood sexual abuse' means any act committed by the defendant against a complainant who was less than eighteen years of age at the time of the act and which act would have been a violation of chapter 9A.44 RCW or RCW 9.68A.040 or prior laws of similar effect at the time the act was committed.

Sec. 3. Section 14, chapter 145, Laws of 1988 and RCW 9A.04.080 are each amended to read as follows:

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

(i) Murder:

(ii) Arson if a death results.

(b) The following offenses shall not be prosecuted more than ten years after their commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

(ii) Arson if no death results.

(c) Violations of the following ((offenses)) statutes shall not be prosecuted more than three years after the victim's eighteenth birthday or more than seven years after their commission, whichever is later: ((Rape of a child in the first or second degree or child molestation in the first or second degree:))

(i) RCW 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080, or 9A.44.100(1)(b);

or
(ii) If the victim was under the age of fourteen years of age at the time of the commission of the offense, RCW 9A.44.040, 9A.44.050, or 9A.64.020.

(d) The following offenses shall not be prosecuted more than six years after their commission: Violations of RCW 9A.82.060 or 9A.82.080.

(e) The following offenses shall not be prosecuted more than five years after their commission: Any class C felony under chapter 74.09 RCW.

(f) Bigamy shall not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(g) No other felony may be prosecuted more than three years after its commission.

(h) No gross misdemeanor may be prosecuted more than two years after its commission.

(i) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "abuse;" strike the remainder of the title and insert "amending RCW 4.16.340 and 9A.04.080; creating a new section; and declaring an emergency."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representative Locke.

Passed to Committee on Rules for second reading.

March 31, 1989

ESB 5990 Prime Sponsor, Senator Johnson: Limiting taxes on resale of network telephone service. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Appelwick, Basich, Brumsickle, Fraser, Fuhrman, Grant, Haugen, Morris, Phillips, Rust, Silver and H. Sommers.

Absent: Representative Van Luven.

Passed to Committee on Rules for second reading.

March 31, 1989

SSB 5993 Prime Sponsor, Committee on Energy & Utilities: Promoting the use of one thousand acres leased on the Hanford reservation. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Cantwell, Chair; Wineberry, Vice Chair; Doty, Ranking Republican Member; Kremen, Moyer, Rasmussen, Raiter, Rector, Schoon, Tate, Walk and Youngsman.

Absent: Representatives Doty, Ranking Republican Member; G. Fisher, Kremen and Rasmussen.

Referred to Committee on Appropriations.

March 28, 1989

SB 6005 Prime Sponsor, Senator Pullen: Protecting the victims of domestic violence. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 29 after "violence" insert "or the victim's children or members of the victim's household"

On page 2, line 24 after "violence" insert "or the victim's children or members of the victim's household"

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Schmidt, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Locke and Patrick.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 6009 Prime Sponsor, Committee on Law & Justice: Pertaining to custodial interference. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 95, Laws of 1984 and RCW 9A.40.070 are each amended to read as follows:

(1) A relative of a person is guilty of custodial interference in the second degree if, with the intent to deny access to such person by a parent, guardian, institution, agency, or other person having a lawful right to physical custody of such person, the relative takes, entices, retains, detains, or conceals the person from a parent, guardian, institution, agency, or other person having a lawful right to physical custody of such person.

(2) A parent or relative of a minor child is guilty of custodial interference in the second degree if:

(a) The parent or relative (i) with intent to deprive access to the child by a parent, guardian, or other person who is not the legal custodian but who has the right of access to the child pursuant to a court-ordered residential schedule in a parenting plan or a court-ordered visitation schedule, (ii) takes, entices, retains, detains, or conceals the child during a period in which that parent, guardian, or other person was scheduled to have access to the child under the court-ordered parenting plan or visitation schedule; and

(b) The parent or relative violated a court order that specifies the following:

(i) The defendant has, without good cause, intentionally denied or prevented access to the child in violation of a previous court order; and

(ii) The specific conditions of access in the order are necessary to ensure that the defendant will allow the parent, guardian, or other person access to the child; and

(iii) The order contains the following language:

WARNING: VIOLATION OF THE PROVISIONS OF THIS ORDER WITH ACTUAL KNOWLEDGE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER RCW 9A.40.070, MAY SUBJECT VIOLATOR TO ARREST, AND IS ALSO PUNISHABLE BY CONTEMPT OF COURT.

(3) The first conviction of custodial interference in the second degree is a gross misdemeanor. The second or subsequent conviction of custodial interference in the second degree is a class C felony.

Sec. 2. Section 3, chapter 95, Laws of 1984 and RCW 9A.40.080 are each amended to read as follows:

(1) Any reasonable expenses incurred in locating or returning a child or incompetent person shall be assessed against a defendant convicted under RCW 9A.40.060 or 9A.40.070. In addition to any fine that may be imposed by the court, the court shall also recover court costs of one hundred dollars from every person convicted of custodial interference in the second degree.

(2) In any prosecution of custodial interference in the first or second degree, it is a complete defense, if established by the defendant by a preponderance of the evidence, that:

(a) The defendant's purpose was to protect the child, incompetent person, or himself or herself from imminent physical harm, ((and)) that the belief in the existence of the imminent physical harm was reasonable, and that the defendant sought the assistance of the police, sheriff's office, protective agencies, or the court of any state before committing the acts giving rise to the charges or within a reasonable time thereafter; or

(b) The complainant had, prior to the defendant committing the acts giving rise to the crime, repeatedly or for a protracted period of time, failed to exercise his or her rights to physical custody or access to the child under a court-ordered parenting plan or order granting visitation rights, provided that such failure was not the direct result of the defendant's denial of access to such person; or

(c) The acts giving rise to the charges were consented to by the complainant; or

(d) The offender, after providing or making a good faith effort to provide notice to the person entitled to access to the child, failed to return the child due to reasons directly related to the welfare of the child, and allowed access to the child in accordance with the court order within a reasonable period of time.

(3) Consent of a child less than sixteen years of age or of an incompetent person does not constitute a defense to an action under RCW 9A.40.060 or 9A.40.070.

NEW SECTION. Sec. 3. Nothing contained in RCW 9A.40.070 and 9A.40.080 shall be construed to limit the court's contempt power.

NEW SECTION. Sec. 4. Every law enforcement officer investigating an alleged incident of child abduction shall make a written police report of any bona fide allegation and the disposition of such investigation.

NEW SECTION. Sec. 5. Sections 3 and 4 of this act are each added to chapter 9A.40 RCW.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "child," strike the remainder of the title and insert "amending RCW 9A.40.070 and 9A.40.080; adding new sections to chapter 9A.40 RCW; and prescribing penalties."

Signed by Representatives Appelwick, Chair; Crane, Vice Chair; Padden, Ranking Republican Member; Belcher, Brough, Dellwo, Hargrove, Inslee, P. King, R. Meyers, Moyer, H. Myers, Patrick, Scott, D. Sommers, Tate and Wineberry.

Absent: Representatives Locke and Schmidt.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 6013 Prime Sponsor, Committee on Governmental Operations: Regulating capacity charges imposed by a metropolitan municipal corporation. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. A new section is added to chapter 35.58 RCW to read as follows:

(1) A metropolitan municipal corporation that is engaged in the transmission, treatment, and disposal of sewage may impose a capacity charge on users of the metropolitan municipal corporation's sewage facilities when the user connects, reconnects, or establishes a new service. The capacity charge shall be approved by the council of the metropolitan municipal corporation and reviewed and reaproved annually.

(2) The capacity charge shall be based upon the cost of the sewage facilities' excess capacity that is necessary to provide sewerage treatment for new users to the system. The capacity charge, which may be collected over a period of fifteen years, shall not exceed:

(a) Seven dollars per month per residential customer equivalent for connections and reconNECTIONS occurring prior to January 1, 1996; and

(b) Ten dollars and fifty cents per month per residential customer equivalent for connections and reconNECTIONS occurring after January 1, 1996, and prior to January 1, 2001.

For connections and reconNECTIONS occurring after January 1, 2001, the capacity charge shall not exceed fifty percent of the basic sewer rate per residential customer equivalent established by the metropolitan municipal corporation at the time of the connection or reconNECTION.

(3) The capacity charge for a building other than a single-family residence shall be based on the projected number of residential customer equivalents to be represented by the building, considering its intended use.

(4) The council of the metropolitan municipal corporation shall enforce the collection of the capacity charge in the same manner provided for the collection, enforcement, and payment of rates and charges for sewer districts provided in RCW 56.16.100 and 56.16.110. At least thirty days before commencement of an action to foreclose a lien for a capacity charge, the metropolitan municipal corporation shall send written notice of delinquency in payment of the capacity charge to any first mortgage or deed of trust holder of record at the address of record.

(5) As used in this section, 'sewage facilities' means capital projects identified since January 1, 1982, to the effective date of this section in the metropolitan municipal corporation's comprehensive water pollution abatement plan. 'Residential customer equivalent' shall have the same meaning used by the metropolitan municipal corporation in determining rates and charges at the time the capacity charge is imposed.

Sec. 2. Section 1, chapter 449, Laws of 1987 and RCW 56.08.010 are each amended to read as follows:

A sewer district may acquire by purchase or by condemnation and purchase all lands, property rights, water, and water rights, both within and without the district, necessary for its purposes. A sewer district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of sewer commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities and towns, insofar as consistent with the provisions of this title, except that all assessments or reassessment rolls required to be filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer shall be imposed upon the county treasurer for the purposes hereof; it may construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district and inhabitants thereof with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, approved septic tanks or approved septic tank systems, other facilities and systems for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from wastewater and for the protection, preservation, and rehabilitation of surface and underground waters, facilities for the drainage of storm or surface waters, public highways, streets, and roads with full authority to regulate the use and operation thereof and the service rates to be charged. Such sewage facilities may include facilities which result in combined sewage

disposal, treatment, or drainage and electric generation, provided that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the sewer district or sold to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal, treatment, or drainage. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants, within or without the district, and may acquire by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution, from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities which result in combined sewage disposal, treatment, or drainage and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner. A district may charge property owners seeking to connect to the district system of sewers, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system. For purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants.

The connection charge may include interest charges applied from the date of construction of the sewer system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the sewer system, or at the time of installation of the sewer lines to which the property owner is seeking to connect.

A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars per parcel for each year for the treasurer's services. Such fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer. A district may compel all property owners within the sewer district located within an area served by the district system of sewers to connect their private drain and sewer systems with the district system under such penalty as the sewer commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served.

Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule.

Sec. 3. Section 17, chapter 210, Laws of 1941 as last amended by section 47, chapter 186, Laws of 1984 and RCW 56.16.030 are each amended to read as follows:

(1) In the same manner as herein provided for the adoption of the general comprehensive plan, and after the adoption of the general comprehensive plan, a plan providing for additions and betterments to the general comprehensive plan, or reorganized district may be adopted. Without limiting its generality 'additions and betterments' shall include any necessary change in, amendment of, or addition to the general comprehensive plan. The sewer district may incur a general indebtedness payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations for the construction of the additions and betterments in the same way the general indebtedness may be incurred for the construction of the general comprehensive plan as provided in RCW 56.16.010. Upon ratification by the voters of the entire district, of the proposition to incur such indebtedness, the additions and betterments may be carried out by the sewer commissioners to the extent specified or referred to in the proposition to incur such general indebtedness. The sewer district may issue revenue bonds to pay for the construction of the additions and betterments by resolution of the board of sewer commissioners.

(2) After the effective date of this act, when the district adopts a general comprehensive plan or plans for an area annexed as provided for in RCW 56.08.020, the district shall include a long-term plan for financing the planned projects.

NEW SECTION. Sec. 4. If the sewer district approves an extension to the sewer system, the district shall contract with owners of real estate located within the district boundaries, at an owner's request, for the purpose of permitting extensions to the district's sewer system to be constructed by such owner at such owner's sole cost where such extensions are required as a

prerequisite to further property development. The contract shall contain such conditions as the district may require pursuant to the district's adopted policies and standards. The district shall request comprehensive plan approval for such extension, if required, and connection of the extension to the district system is conditioned upon:

(1) Construction of such extension according to plans and specifications approved by the district;

(2) Inspection and approval of such extension by the district;

(3) Transfer to the district of such extension without cost to the district upon acceptance by the district of such extension;

(4) Payment of all required connection charges to the district;

(5) Full compliance with the owner's obligations under such contract and with the district's rules and regulations;

(6) Provision of sufficient security to the district to ensure completion of the extension and other performance under the contract;

(7) Payment by the owner to the district of all of the district's costs associated with such extension including, but not limited to, the district's engineering, legal, and administrative costs; and

(8) Verification and approval of all contracts and costs related to such extension.

NEW SECTION. Sec. 5. The contract shall also provide, subject to the terms and conditions in this section, for the reimbursement to the owner or the owner's assigns for a period not to exceed fifteen years of a portion of the costs of the sewer facilities constructed pursuant to such contract from connection charges received by the district from other property owners who subsequently connect to or use the sewer facilities within the fifteen-year period and who did not contribute to the original cost of such sewer facilities.

NEW SECTION. Sec. 6. The reimbursement shall be a pro rata share of construction and contract administration costs of the sewer project. Reimbursement for sewer projects shall include, but not be limited to, design, engineering, installation, and restoration.

NEW SECTION. Sec. 7. The procedures for reimbursement contracts shall be governed by the following:

(1) A reimbursement area shall be formulated by the board of commissioners within a reasonable time after the acceptance of the extension. The reimbursement shall be based upon a determination by the board of commissioners of which parcels would require similar sewer improvements upon development.

(2) The contract must be recorded in the appropriate county auditor's office after the final execution of the agreement.

NEW SECTION. Sec. 8. As an alternative to financing projects under this chapter solely by owners of real estate, sewer districts may join in the financing of improvement projects and may be reimbursed in the same manner as the owners of real estate who participate in the projects, if the board of commissioners has specified the conditions of its participation in a resolution.

Sec. 9. Section 8, chapter 114, Laws of 1929 as last amended by section 1, chapter 11, Laws of 1988 and RCW 57.08.010 are each amended to read as follows:

(1) (a) A water district may acquire by purchase or condemnation, or both, all property and property rights and all water and water rights, both within and without the district, necessary for its purposes.

(b) A water district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of water commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby.

(c) The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities of the third class, insofar as consistent with the provisions of this title, except that all assessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the water district, and the duties devolving upon the city treasurer are hereby imposed upon the county treasurer.

(d) A water district may construct, condemn and purchase, purchase, add to, maintain and supply waterworks to furnish the district and inhabitants thereof, and any city or town therein and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, content, distribution, and price thereof in such a manner as is not in conflict with general law.

(e) A water district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under terms approved by the board of commissioners. Such waterworks may include facilities which result in combined water supply and electric generation, provided that the electricity generated thereby is a byproduct of the water supply system.

(f) Such electricity may be used by the water district or sold to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply.

(g) For such purposes, a water district may take, condemn and purchase, purchase, acquire and retain water from any public or navigable lake, river or watercourse, or any underflowing water and, by means of aqueducts or pipe line conduct the same throughout such water district and any city or town therein and carry it along and upon public highways, roads and streets, within and without such district.

(h) For the purpose of constructing or laying aqueducts or pipe lines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such water district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution.

(i) For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a water district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.

(2) A water district may purchase and take water from any municipal corporation.

(3) A water district may fix rates and charges for water supplied and may charge property owners seeking to connect to the district's water supply system, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system.

(a) For purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants.

(b) The connection charge may include interest charges applied from the date of construction of the water system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the water system, or at the time of installation of the water lines to which the property owner is seeking to connect.

(4) (a) A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars for each year for the treasurer's services. Such fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer.

(b) Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule.

Sec. 10. Section 6, chapter 18, Laws of 1959 as last amended by section 2, chapter 213, Laws of 1982 and RCW 57.16.010 are each amended to read as follows:

The water district commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring any indebtedness shall adopt a general comprehensive plan of water supply for the district. They shall investigate the several portions and sections of the district for the purpose of determining the present and reasonably foreseeable future needs thereof; shall examine and investigate, determine and select a water supply or water supplies for such district suitable and adequate for present and reasonably foreseeable future needs thereof; and shall consider and determine a general system or plan for acquiring such water supply or water supplies; and the lands, waters and water rights and easements necessary therefor, and for retaining and storing any such waters, erecting dams, reservoirs, aqueducts and pipe lines to convey the same throughout such district. There may be included as part of the system the installation of fire hydrants at suitable places throughout the district, and the purchase and maintenance of necessary fire fighting equipment and apparatus, together with facilities for housing same. The water district commissioners shall determine a general comprehensive plan for distributing such water throughout such portion of the district as may then reasonably be served by means of subsidiary aqueducts and pipe lines, and the method of distributing the cost and expense thereof against such water district and against local improvement districts or utility local improvement districts within such water district for any lawful purpose, and including any such local improvement district or utility local improvement district lying wholly or partially within the limits of any city or town in such district, and shall determine whether the whole or part of the cost and expenses shall be paid from water revenue bonds. After the effective date of this act, when the district adopts a general comprehensive plan or plans for an area annexed as provided for in RCW 57.16.010, the district shall

include a long-term plan for the planned projects. The commissioners may employ such engineering and legal service as in their discretion is necessary in carrying out their duties.

The general comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health. The general comprehensive plan shall be approved, conditionally approved, or rejected by the director of health within sixty days of the plan's receipt and by the designated engineer within sixty days of the plan's receipt.

Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the water district lies. The general comprehensive plan shall be approved, conditionally approved, or rejected by each of these county legislative authorities pursuant to the criteria in RCW 57.02.040 for approving the formation, reorganization, annexation, consolidation, or merger of water districts, and the resolution, ordinance, or motion of the legislative body which rejects the comprehensive plan or a part thereof shall specifically state in what particular the comprehensive plan or part thereof rejected fails to meet these criteria. The legislative body may not impose requirements restricting the maximum size of the water supply facilities provided for in the comprehensive plan: PROVIDED, That nothing in this chapter shall preclude a county from rejecting a proposed plan because it is in conflict with the criteria in RCW 57.02.040. Each general comprehensive plan shall be deemed approved if the county legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the county legislative authority or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority: PROVIDED, That the water commissioners and the county legislative authority may mutually agree to an extension of the deadlines in this section. If the district includes portions or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the legislative authority of cities and towns before becoming effective. The general comprehensive plan shall be deemed approved by the city or town legislative authority if the city or town legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the city or town or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority.

Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan: PROVIDED, That only if the amendment, alteration, or addition affects a particular city or town, shall the amendment, alteration or addition be subject to approval by such particular city or town legislative authority.

NEW SECTION, Sec. 11. If the water district approves an extension to the water system, the district shall contract with owners of real estate located within the district boundaries, at an owner's request, for the purpose of permitting extensions to the district's water system to be constructed by such owner at such owner's sole cost where such extensions are required as a prerequisite to further property development. The contract shall contain such conditions as the district may require pursuant to the district's adopted policies and standards. The district shall request comprehensive plan approval for such extension, if required, and connection of the extension to the district system is conditioned upon:

- (1) Construction of such extension according to plans and specifications approved by the district;
- (2) Inspection and approval of such extension by the district;
- (3) Transfer to the district of such extension without cost to the district upon acceptance by the district of such extension;
- (4) Payment of all required connection charges to the district;
- (5) Full compliance with the owner's obligations under such contract and with the district's rules and regulations;
- (6) Provision of sufficient security to the district to ensure completion of the extension and other performance under the contract;
- (7) Payment by the owner to the district of all of the district's costs associated with such extension including, but not limited to, the district's engineering, legal, and administrative costs; and
- (8) Verification and approval of all contracts and costs related to such extension.

NEW SECTION, Sec. 12. The contract shall also provide, subject to the terms and conditions in this section, for the reimbursement to the owner or the owner's assigns for a period not to exceed fifteen years of a portion of the costs of the water facilities constructed pursuant to such contract from connection charges received by the district from other property owners who subsequently connect to or use the water facilities within the fifteen-year period and who did not contribute to the original cost of such water facilities.

NEW SECTION. Sec. 13. The reimbursement shall be a pro rata share of construction and reimbursement of contract administration costs of the water project. Reimbursement for water projects shall include, but not be limited to, design, engineering, installation, and restoration.

NEW SECTION. Sec. 14. The procedures for reimbursement contracts shall be governed by the following:

(1) A reimbursement area shall be formulated by the board of commissioners within a reasonable time after the acceptance of the extension. The reimbursement shall be based upon a determination by the board of commissioners of which parcels would require similar water improvements upon development.

(2) The contract must be recorded in the appropriate county auditor's office after the final execution of the agreement.

NEW SECTION. Sec. 15. As an alternative to financing projects under this chapter solely by owners of real estate, a water district may join in the financing of improvement projects and may be reimbursed in the same manner as the owners of real estate who participate in the projects, if the water district has specified the conditions of its participation in a resolution.

NEW SECTION. Sec. 16. (1) Sections 4 through 8 of this act shall constitute a new chapter in Title 56 RCW.

(2) Sections 11 through 15 of this act shall constitute a new chapter in Title 57 RCW."

On page 1, line 2 of the title, after "charges;" strike the remainder of the title and insert "amending RCW 56.08.010, 56.16.030, 57.08.010, and 57.16.010; adding a new section to chapter 35.58 RCW; adding a new chapter to Title 56 RCW; and adding a new chapter to Title 57 RCW."

Signed by Representatives Haugen, Chair; Ferguson, Ranking Republican Member; Horn, Nealey, Nelson, Nutley, Phillips, Raiter, Rayburn, Todd, Wolfe, Wood and Zellinsky.

Absent: Representative Cooper, Vice Chair.

Passed to Committee on Rules for second reading.

March 31, 1989

ESSB 6033 Prime Sponsor, Committee on Energy & Utilities: Terminating the powers and duties of the nuclear waste board and the nuclear waste advisory board. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 161, Laws of 1984 as amended by section 1, chapter 293, Laws of 1985 and RCW 43.200.015 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) ~~("Board" means the nuclear waste board established in RCW 43.200.040.~~

(2) ~~"Federal department of energy" means the federal department of energy or any successor agency assigned responsibility for the long-term disposal of high-level radioactive waste.~~

(3) ~~"Nuclear regulatory commission" means the United States nuclear regulatory commission or any successor agency responsible for approving construction of a repository for the long-term disposal of high-level radioactive waste and spent nuclear fuel.~~

(4) ~~"Hanford candidate site" means the site identified by the United States department of energy as a potentially acceptable site for the disposal of spent nuclear fuel and high-level radioactive waste pursuant to the nuclear waste policy act of 1982.~~

(5) ~~"High-level radioactive waste" means "high-level radioactive waste" as the term is defined in 42 U.S.C. Sec. 10101 (P.L. 97-425).~~

~~((6)) (2) "Low-level radioactive waste" means waste material that contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level waste does not include waste containing more than one hundred nanocuries of transuranic contaminants per gram of material, nor spent (reactor) nuclear fuel, nor material classified as either high-level radioactive waste or waste that is unsuited for disposal by near-surface burial under any applicable federal regulations.~~

~~((7)) (3) "Radioactive waste" means both high-level and low-level radioactive waste.~~

~~((8)) (4) "Spent nuclear fuel" means spent nuclear fuel as the term is defined in 42 U.S.C. Sec. 10101.~~

~~((9)) (5) "Department" means the department of ecology.~~

Sec. 2. Section 2, chapter 19, Laws of 1983 1st ex. sess. as amended by section 2, chapter 161, Laws of 1984 and RCW 43.200.020 are each amended to read as follows:

~~((The nuclear waste board shall carry out the authority and responsibility set forth in this chapter.)) The department of ecology is designated as the executive branch agency for participation in the federal nuclear waste policy act of 1982 and the federal low-level radioactive~~

waste policy act of 1980, however the legislature retains an autonomous role with respect to participation in all aspects of the federal nuclear waste policy act of 1982. The ~~((board and the))~~ department may receive federal financial assistance for carrying out radioactive waste management activities, including assistance for expenses, salaries, travel, and monitoring and evaluating the program of repository exploration and siting undertaken by the federal government.

~~((The board shall submit a written report at least semiannually to the governor and to each member of the legislature on the radioactive waste program, its progress in carrying out its responsibilities, and any recommendations for legislative or administrative action that will improve the state's management and control activity in maximizing public health and safety.))~~

Sec. 3. Section 3, chapter 19, Laws of 1983 1st ex. sess. as amended by section 4, chapter 161, Laws of 1984 and RCW 43.200.030 are each amended to read as follows:

All departments, agencies, and officers of this state and its subdivisions shall cooperate with the ~~((board))~~ department of ecology in the furtherance of any of its activities pursuant to this chapter.

Sec. 4. Section 5, chapter 19, Laws of 1983 1st ex. sess. as amended by section 6, chapter 161, Laws of 1984 and RCW 43.200.050 are each amended to read as follows:

(1) An advisory council is hereby established of ~~((not less than fifteen))~~ nineteen members, eleven of whom shall be appointed by the governor ((to provide advice)) and eight of whom shall be legislators. The advisory council shall advise, counsel, and make recommendations to the ((board)) department on all aspects of the radioactive waste management program. The council shall particularly advise the ((board)) department on maximizing opportunities for public involvement in the program, soliciting public input, and assisting in the need for wide understanding of the issues involved in nuclear waste management. The governor shall appoint the chairman of the advisory council ((who shall also serve as chairman of the nuclear waste board)).

(2) The nonlegislative members of the council appointed by the governor shall be selected from all areas of the state and shall include a broad range of citizens ((representatives of local governments, and representatives of such other interests as the governor determines will best further the purposes of this chapter)). A representative of an affected Indian tribe ((may)) shall be ((an ex officio nonvoting)) appointed by the governor as a member of the council. Terms of the nonlegislative council members shall not exceed two years and they shall continue to serve until their successors are appointed. Vacancies in a nonlegislative position shall be filled in the same manner as original appointments. ((Members may be reappointed.)) The governor may reappoint a nonlegislative member and may appoint a replacement for ((any)) a nonlegislative council member who is temporarily unable to fulfill the responsibilities required of a council member. The replacement shall serve at the pleasure of the governor. Nonlegislative members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

(3) Four members from the house of representatives shall be appointed to the council by the speaker of the house of representatives and four members from the senate shall be appointed by the president of the senate. No more than two members of each house may be of the same political party. The legislative members shall serve at the pleasure of the appointing officer. The legislative members shall receive reimbursement for travel expenses in accordance with RCW 44.04.120.

(4) The council shall hold its meetings at various locations within the state.

Sec. 5. Section 7, chapter 19, Laws of 1983 1st ex. sess. as last amended by section 5, chapter 2, Laws of 1986 and RCW 43.200.070 are each amended to read as follows:

The ~~((board and/or the))~~ department of ecology shall adopt such rules as are necessary to carry out responsibilities under this chapter. The department of ecology is authorized to adopt such rules as are necessary to carry out its responsibilities under chapter 43.145 RCW.

Sec. 6. Section 14, chapter 161, Laws of 1984 as amended by section 4, chapter 293, Laws of 1985 and RCW 43.200.150 are each amended to read as follows:

The department shall provide administrative and technical staff support as requested by the ~~((board))~~ advisory council established by RCW 43.200.050. ((As directed by the board, the department shall be responsible for obtaining and coordinating technical expertise necessary for board participation in nuclear waste programs and shall be responsible for ongoing technical coordination and administration of program activities.)) Other state agencies shall assist the ~~((board))~~ council in fulfilling its duties to the fullest extent possible. The ~~((board and/or the))~~ department may contract with other state agencies to obtain expertise or input uniquely available from that agency. ~~((The board may contract with private parties to obtain expertise or input necessary to perform any study required in this chapter, for which it shall seek funding from the federal government.))~~

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 161, Laws of 1984 and RCW 43.200.025;

(2) Section 4, chapter 19, Laws of 1983 1st ex. sess., section 5, chapter 161, Laws of 1984, section 91, chapter 287, Laws of 1984 and RCW 43.200.040;

(3) Section 5, chapter 19, Laws of 1983 1st ex. sess. as last amended by section 4 of this act and RCW 43.200.050;

(4) Section 6, chapter 19, Laws of 1983 1st ex. sess., section 7, chapter 161, Laws of 1984 and RCW 43.200.060;

(5) Section 14, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.090;

(6) Section 9, chapter 161, Laws of 1984 and RCW 43.200.100;

(7) Section 10, chapter 161, Laws of 1984 and RCW 43.200.110;

(8) Section 11, chapter 161, Laws of 1984 and RCW 43.200.120;

(9) Section 12, chapter 161, Laws of 1984 and RCW 43.200.130;

(10) Section 13, chapter 161, Laws of 1984 and RCW 43.200.140;

(11) Section 2, chapter 293, Laws of 1985, section 85, chapter 505, Laws of 1987 and RCW 43.200.142;

(12) Section 3, chapter 293, Laws of 1985 and RCW 43.200.144;

(13) Section 14, chapter 161, Laws of 1984 as last amended by section 6 of this act and RCW 43.200.150;

(14) Section 5, chapter 293, Laws of 1985 and RCW 43.200.160; and

(15) Section 6, chapter 293, Laws of 1985 and RCW 43.200.904.

NEW SECTION. Sec. 8. If the Hanford federal agreement and consent order, announced February 27, 1989, is executed within ninety days after the end of the legislative session in which this bill is passed by the legislature, section 7 (1), (2), (4) through (12), (14), and (15) of this act shall take effect ninety days after the end of the legislative session in which this bill is passed by the legislature. If the Hanford federal agreement and consent order is not executed during that ninety-day period, section 7 (1), (2), (4) through (12), (14), and (15) of this act shall take effect on the date the agreement and consent order is executed, or June 30, 1990, whichever is earlier. Section 7 (3) and (13) of this act shall take effect June 30, 1994."

On page 1, line 1 of the title, after "affairs;" strike the remainder of the title and insert "amending RCW 43.200.015, 43.200.020, 43.200.030, 43.200.050, 43.200.070, and 43.200.150; repealing RCW 43.200.025, 43.200.040, 43.200.050, 43.200.060, 43.200.090, 43.200.100, 43.200.110, 43.200.120, 43.200.130, 43.200.140, 43.200.142, 43.200.144, 43.200.150, 43.200.160, and 43.200.904; and providing contingent effective dates."

Signed by Representatives Nelson, Chair; Todd, Vice Chair; Hankins, Ranking Republican Member; Brooks, Cooper, Jacobsen, Jesernig, May, H. Myers and S. Wilson.

Absent: Representatives Gallagher, R. Meyers and Miller.

Passed to Committee on Rules for second reading.

March 30, 1989

SSB 6061 Prime Sponsor, Committee on Energy & Utilities: Requiring the state patrol to develop a permanent working group to periodically review guidelines and response capabilities to radioactive materials and waste. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendments by Committee on Appropriations and without amendments by Committee on Energy & Utilities:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 46.48 RCW to read as follows:

The Washington state patrol is directed to develop a permanent working group or use an existing working group to periodically review guidelines and response capabilities pertaining to radioactive materials and radioactive waste. Members of the group shall include representatives of the office of radiation protection of the department of social and health services, the division of emergency management of the department of community development, county sheriffs, and any other entity chosen by the chief.

NEW SECTION. Sec. 2. A new section is added to chapter 46.48 RCW to read as follows:

The Washington state patrol, with the assistance of the division of emergency management and the office of radiation protection, shall prepare and submit to the governor and the committees on energy and utilities of the house of representatives and the senate by January 1 of each year a comprehensive report on the use and transportation of radioactive materials in this state and provide an evaluation of the adequacy of emergency response capability to any accidents involving radioactive materials. The report shall include but need not be limited to:

(1) The uses and scope of radioactive materials throughout the state;

(2) Statistical data on the number of radioactive materials shipments in the state including, to the extent feasible, the nature of the materials, their source, and their destination;

(3) A brief description and compilation of any accidents and casualties or incidents in the state involving the transportation of radioactive materials;

(4) Other statistical data regarding the shipment of radioactive materials;

(5) A summary of outstanding problems confronting the agency in the administration of this chapter; and

(6) Such recommendations for additional legislation as is considered necessary or appropriate."

On page 1, line 2 of the title, after "transportation;" strike the remainder of the title and insert "and adding new sections to chapter 46.48 RCW."

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Belcher, Bowman, Brekke, Dorn, Doty, Ferguson, Hine, Holland, May, McLean, Padden, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

MINORITY recommendation: Without recommendation. Signed by Representative Nealey.

Absent: Representatives Appelwick, Bristow and Brough.

Passed to Committee on Rules for second reading.

March 30, 1989

SJM 8003 Prime Sponsor, Senator Conner: Requesting that the practice of railroad holding tanks dumping on the right of way be discontinued. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betrozoff, Cantwell, Day, R. Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, R. Meyers, Nelson, Patrick, Prentice, Prince, Smith, D. Sommers, Todd, Walker, S. Wilson and Zellinsky.

Absent: Representatives Betrozoff, Cantwell, Cooper, Day and G. Fisher.

Passed to Committee on Rules for second reading.

March 31, 1989

SJM 8005 Prime Sponsor, Senator Metcalf: Requesting a dedicated trust fund for an outdoor recreation grant program. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Fuhrman, Hargrove, Raiter and Sayan.

Absent: Representatives Dellwo, Ferguson and Fuhrman.

Passed to Committee on Rules for second reading.

March 30, 1989

ESSJR 8202 Prime Sponsor, Committee on Law & Justice: Amending the Constitution to change provisions relating to the commission on judicial conduct. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 8, after "31." strike all material through "commission," on line 19

On page 2, after line 27, insert the following:

(1) There shall be a commission on judicial conduct, existing as an independent agency of the judicial branch, and consisting of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the district court judges, two persons admitted to the practice of law in this state selected by the state bar association, and six persons who are not attorneys appointed by the governor and confirmed by the senate.

(2) Whenever the commission receives a complaint against a judge or justice, or otherwise has reason to believe that a judge or justice should be admonished, reprimanded, censured, suspended, removed, or retired, the commission shall first investigate the complaint or belief and then conduct confidential initial proceedings for the purpose of determining whether probable cause exists for conducting a public hearing or hearings to deal with the complaint or belief. Upon beginning an investigation, the commission shall notify the judge or justice of the existence of and basis for the investigation.

(3) Whenever the commission concludes, based on an initial proceeding, that there is probable cause to believe that a judge or justice has violated a rule of judicial conduct or that

the judge or justice suffers from a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties, the commission shall conduct a public hearing or hearings and shall make public all those records of the initial proceeding that provide the basis for its conclusion. If the commission concludes that there is not probable cause, it shall notify the judge or justice of its conclusion.

(4) Upon the completion of the hearing or hearings, the commission in open session shall either dismiss the case, or shall admonish, reprimand, or censure the judge or justice, or shall censure the judge or justice and recommend to the supreme court the suspension or removal of the judge or justice, or shall recommend to the supreme court the retirement of the judge or justice. The commission may not recommend suspension or removal unless it censures the judge or justice for the violation serving as the basis for the recommendation. The commission may recommend retirement of a judge or justice for a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties.

(5) Upon the recommendation of the commission, the supreme court may suspend, remove, or retire a judge or justice. The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a removed judge or justice shall cease. The supreme court shall specify the effect upon salary when it suspends a judge or justice. The supreme court may not suspend, remove, or retire a judge or justice until the commission, after notice and hearing, recommends that action be taken, and the supreme court conducts a hearing, after notice, to review commission proceedings and findings against the judge or justice.

(6) Within thirty days after the commission admonishes, reprimands, or censures a judge or justice, the judge or justice may petition the supreme court to have the action of the commission reversed or modified. The supreme court may reverse or modify the commission's action if substantial rights of the judge or justice have been prejudiced because the commission's findings, inferences, conclusions, or decisions are:

(a) In violation of constitutional provisions; or

(b) In excess of the authority or jurisdiction of the agency; or

(c) Made upon unlawful procedure; or

(d) Affected by other error of law; or

(e) Clearly erroneous in view of the entire record and the public policy contained in the law authorizing the decision.

(7) Any matter before the commission or supreme court may be disposed of by a stipulation entered into in a public proceeding. The stipulation shall be signed by the judge or justice and the commission or court. The stipulation may impose any terms and conditions deemed appropriate by the commission or court. A stipulation shall set forth all material facts relating to the proceeding and the conduct of the judge or justice.

(8) Whenever the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended immediately, with salary, from his or her judicial position until a final determination is made by the supreme court.

(9) The legislature shall provide for commissioners' terms of office and compensation. The commission shall employ one or more investigative officers with appropriate professional training and experience. The investigative officers of the commission shall report directly to the commission. The commission shall also employ such administrative or other staff as are necessary to manage the affairs of the commission.

(10) The commission shall, to the extent that compliance does not conflict with this section, comply with laws of general applicability to state agencies with respect to rule-making procedures, and with respect to public notice of and attendance at commission proceedings other than initial proceedings. The commission shall establish rules of procedure for commission proceedings including due process and confidentiality of proceedings.

Signed by Representatives Appelwick, Chair; Padden, Ranking Republican Member; Brough, Hargrove, Moyer, H. Myers, Patrick, Scott, D. Sommers, Tate and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Belcher and Inslee.

Absent: Representatives Dellwo, Locke, R. Meyers and Schmidt.

Passed to Committee on Rules for second reading.

March 31, 1989

SSJR 8207

Prime Sponsor, Committee on Financial Institutions & Insurance:
Immunity for members of Washington guarantee association.
Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Chandler, Ranking Republican Member, Anderson, Baugher, Beck, Crane, Day, Dorn, Inslee, P. King, Nutley, K. Wilson and Winsley.

Absent: Representative Schmidt.

Passed to Committee on Rules for second reading.

March 31, 1989

SJR 8210 Prime Sponsor, Senator Barr: Modifying the Constitution to allow for entities engaged in water sale or distribution to undertake conservation. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; K. Wilson, Vice Chair; Beck, Ranking Republican Member; Brumsickle, Dellwo, Ferguson, R. Fisher, Fuhrman, Hargrove, Raiter and Sayan.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Heavey, the bills, memorials and resolutions listed on today's supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

MOTION

On motion of Mr. Heavey, Engrossed Substitute Senate Bill No. 5018 was referred from Committee on Judiciary to Committee on Rules.

MESSAGES FROM THE SENATE

March 31, 1989

Mr. Speaker:

The Senate has passed Initiative to the Legislature No. 99 by a vote of 38 yeas and 10 nays and has transmitted the enrolled document to the Secretary of State. A copy of the Senate certification of passage is attached hereto, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 31, 1989

Mr. Speaker:

The President has signed:

INITIATIVE TO THE LEGISLATURE NO. 99,
HOUSE BILL NO. 1138,
SUBSTITUTE HOUSE BILL NO. 1324,
HOUSE BILL NO. 1912,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 9:30 a.m., Monday, April 3, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, April 3, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Basich, Brekke, Brooks, Cantwell, Day, P. King, Locke, R. Meyers, Raiter, Sayan, Todd, Vekich, Walk, K. Wilson and Wineberry. On motion of Ms. H. Myers, Representatives Appelwick, Raiter and Wineberry were excused. On motion of Ms. Miller, Representative Brooks was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Julie Orth and Jean Orth. Prayer was offered by The Reverend Randal Burtis, Minister of the Neighborhood Christian Center of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

April 3, 1989

On this day in 1889, on the first day of fishing season, the aptly named Joseph Waterman caught thirty-eight trout on the Deschutes River, Thurston County--an incredibly lucky day.

On April 3, 1890 nine unions joined to form the Tacoma Trades Council.

On April 3, 1919 the State Legislature repealed the law requiring public school children to be vaccinated against smallpox. Soon one hundred and forty-two Seattle school children had come down with the disease.

MESSAGE FROM THE SENATE

March 31, 1989

Mr. Speaker:

The Senate has passed:

SENATE CONCURRENT RESOLUTION NO. 8412,
ENGROSSED HOUSE BILL NO. 1026,
ENGROSSED HOUSE BILL NO. 1249,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2218 by Representatives Chandler, S. Wilson and D. Sommers

AN ACT Relating to compulsory motor vehicle insurance; and adding a new chapter to Title 48 RCW.

Referred to Committee on Financial Institutions & Insurance.

The Speaker (Mr. O'Brien presiding) referred the bill listed on today's introduction sheet under the fourth order of business to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

April 1, 1989

SSB 5009 Prime Sponsor, Committee on Transportation: Amending the list of vessels not required to be registered under chapter 88.02 RCW. Reported by Committee on Revenue

MAJORITY recommendation: Do pass as amended by Committee on Transportation. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Appelwick, Brumsickle, Fraser, Grant, Haugen, Morris, Phillips, Rust, Silver, H. Sommers and Van Luven.

Absent: Representatives Basich and Fuhrman.

Passed to Committee on Rules for second reading.

April 1, 1989

2SSB 5011 Prime Sponsor, Committee on Ways & Means: Providing for allocation of assets of an institutionalized spouse. Reported by Committee on Appropriations.

MAJORITY recommendation: Do pass as amended by Committee on Health Care. Signed by Representatives Locke, Chair; Grant, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Brough, Dorn, Doty, Ebersole, Ferguson, Hine, May, McLean, Nealey, Padden, Peery, Rust, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Sayan.

Voting nay: Representatives Sayan and Wang.

Absent: Representative Holland.

Passed to Committee on Rules for second reading.

April 1, 1989

SSB 5035 Prime Sponsor, Committee on Children & Family Services: Providing for a program of insurance for foster parents. Reported by Committee on Appropriations.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 27 after "from" strike "an occurrence peculiar to the foster care relationship or"

On page 2, line 10 after "occurrence" strike "is one peculiar to the foster-care relationship or" and insert "arose from"

On page 2, line 18 after "suit." insert "However, the attorney general may not represent or provide private representation for a foster parent in an action or proceeding brought by the department of social and health services against that foster parent."

Signed by Representatives Locke, Chair; Grant, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Brough, Dorn, Ferguson, Hine, May, McLean, Nealey, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Doty, Ebersole, Holland and Padden.

Passed to Committee on Rules for second reading.

April 1, 1989

ESB 5040 Prime Sponsor, Senator Pullen: Changing the elements of the crime of introducing contraband in the first degree. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Bowman, Bristow, Brough, Dorn, Doty, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Padden, Peery, Rust, Spanel, Sprenkle, Valle and Wang.

Absent: Representatives Belcher, Braddock, Doty and Wineberry.

Passed to Committee on Rules for second reading.

March 31, 1989

ESB 5121 Prime Sponsor, Senator Fleming: Creating a mobile substance abuse awareness program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Brekke, Bristow, Brough, Dorn, Doty, Ferguson, Hine, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Braddock, Ebersole, Holland and Valle.

Passed to Committee on Rules for second reading.

March 31, 1989

SB 5137 Prime Sponsor, Senator Johnson: Allowing school nurses to transfer their retirement accounts from city retirement systems to the state teachers' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Brekke, Bristow, Dorn, Doty, Ferguson, Hine, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Braddock, Ebersole and Holland.

Passed to Committee on Rules for second reading.

April 1, 1989

SSB 5140 Prime Sponsor, Committee on Ways & Means: Changing provisions relating to state personnel administration. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on State Government. Signed by Representatives Grant, Vice Chair; H. Sommers, Vice Chair; Appelwick, Braddock, Brekke, Bristow, Dorn, Ebersole, Hine, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Locke, Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Belcher, Bowman, Brough, Ferguson, May, McLean, Nealey and Padden.

Voting nay: Representatives Locke, Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Belcher, Bowman, Brough, Doty, Ferguson, May, McLean, Nealey and Padden.

Absent: Representative Holland.

Passed to Committee on Rules for second reading.

April 1, 1989

ESB 5215 Prime Sponsor, Senator Saling: Authorizing financial aid to needy students enrolled on a least a half-time basis. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Higher Education. Signed by Representatives Locke, Chair; Grant, Vice Chair; Youngsman, Assistant Ranking Republican Member; Appelwick, Bowman, Brekke, Brough, Dorn, Hine, Nealey, Peery, Rust, Sayan, Spanel, Valle and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives H. Sommers, Vice Chair; Belcher, Ferguson, May and McLean.

Absent: Representatives Silver, Ranking Republican Member; Braddock, Bristow, Doty, Ebersole, Holland and Padden.

Passed to Committee on Rules for second reading.

April 1, 1989

ESB 5233 Prime Sponsor, Senator Pullen: Changing provisions relating to the crime of burglary. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment:
On page 4, line 12, strike "1991" and insert "1990"

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Bristow, Brough, Dorn, Ebersole, Ferguson, Hine, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Voting nay: Representative Brekke.

Absent: Representatives Doty and Holland.

Passed to Committee on Rules for second reading.

April 1, 1989

SSB 5241 Prime Sponsor, Committee on Economic Development & Labor: Promoting small business growth. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Trade & Economic Development and as further amended with the following amendments by Committee on Appropriations:

On page 1, beginning on line 5 strike all of section 1

Renumber the remaining sections consecutively and correct any internal references accordingly

On page 4, after line 30 strike all of section 11

On page 1, line 2 of the title after "43.31 RCW;" strike remainder of the title and insert "and adding a new section to chapter 43.170 RCW."

Signed by Representatives Locke, Chair; Youngsman, Assistant Ranking Republican Member; Appelwick, Bowman, Brekke, Dorn, Ferguson, Hine, May, McLean, Nealey, Rust, Sayan, Spanel, Sprenkle, Wang and Wineberry.

Voting nay: Representative Brough.

Absent: Representatives Silver, Ranking Republican Member; Belcher, Braddock, Bristow, Doty, Ebersole, Holland, Padden and Valle.

Passed to Committee on Rules for second reading.

April 1, 1989

SSB 5265 Prime Sponsor, Committee on Transportation: Regulating certain charter boats on state water. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources & Parks as amended with the following amendment by Committee on Appropriations:

On page 8, line 15 after "diem." strike "and administrative and legal support costs for the program" and insert "~~((and administrative and legal support costs for the program))~~ administrative and legal support costs for the program, and repayment to the state general fund by June 30, 1991, of the amount appropriated in section 15 of this act for the program"

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Ebersole, Ferguson, Hine, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Grant, Vice Chair; Holland and Peery.

Passed to Committee on Rules for second reading.

April 1, 1989

ESSB 5275 Prime Sponsor, Committee on Energy & Utilities: Regulating high voltage fields. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Energy & Utilities and as further amended by the following amendments by Committee on Appropriations:

On page 1, line 23, after "Sec. 3" strike all material through "(2)" on line 27

On page 1, line 2 of the title, strike "; and making an appropriation"

Signed by Representatives Grant, Vice Chair; H. Sommers, Vice Chair; Appelwick, Brekke, Bristow, Dorn, Hine, Nealey, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Locke, Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Belcher, Bowman, Brough, Ferguson, May and McLean.

Absent: Representatives Doty, Ebersole, Holland and Padden.

Passed to Committee on Rules for second reading.

March 31, 1989

SB 5353 Prime Sponsor, Senator Johnson: Revising provisions for continued service credit for disabled law enforcement officers and fire fighters. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Brekke, Bristow, Brough, Dorn, Doty, Ferguson, Hine, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

Absent: Representatives Braddock, Ebersole and Holland.

Passed to Committee on Rules for second reading.

April 1, 1989

2SSB 5372 Prime Sponsor, Committee on Ways & Means: Revising laws concerning recreational boating. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources & Parks. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Brekke, Brough, Dorn, Ferguson, Hine, May, McLean, Nealey, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

Absent: Representatives Braddock, Bristow, Doty, Ebersole, Holland and Padden.

Passed to Committee on Rules for second reading.

April 1, 1989

2SSB 5375 Prime Sponsor, Committee on Ways & Means: Establishing a DNA identification system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendments by Committee on Appropriations and without amendments by Committee on Judiciary:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that recent developments in molecular biology and genetics have important applications for forensic science. It has been scientifically established that there is a unique pattern to the chemical structure of the deoxyribonucleic acid (DNA) contained in each cell of the human body. The process for identifying this pattern is called 'DNA identification.'

The legislature further finds that the accuracy of identification provided by this method is superior to that of any presently existing technique and recognizes the importance of this scientific breakthrough in providing a reliable and accurate tool for the investigation and prosecution of sex offenses as defined in RCW 9.94A.030(26) and violent offenses as defined in RCW 9.94A.030(29).

NEW SECTION. Sec. 2. (1) To support criminal justice services in the local communities throughout this state, the state patrol in consultation with the University of Washington school of

medicine shall develop a plan and safeguards for a DNA identification system and, after July 1, 1990, and legislative approval of the plan and safeguards, shall establish a DNA identification system. In implementing the plan, the state patrol shall purchase the appropriate equipment and supplies. The state patrol shall procure the most efficient equipment available.

(2) The DNA identification system as established shall be compatible with that utilized by the federal bureau of investigation.

(3) The state patrol and the University of Washington school of medicine shall report on the proposed DNA identification system to the legislature no later than November 1, 1989. The report shall include a time line for implementing each stage, a local agency financial participation analysis, a system analysis, a full cost/purchase analysis, a vendor bid evaluation, and a space location analysis that includes a site determination. The state patrol shall coordinate the preparation of this report with the office of financial management.

The Washington state patrol in cooperation with the University of Washington school of medicine shall also develop a program for the proper administration and collection of blood samples. This program shall include requirements that the blood samples be taken under sanitary conditions in a medically approved manner by a physician, registered nurse, or licensed phlebotomist.

NEW SECTION. Sec. 3. After July 1, 1990, and legislative adoption of appropriate safeguards, every individual convicted in a Washington superior court of a felony defined as a sex offense under RCW 9.94A.030(26)(a) or a violent offense as defined in RCW 9.94A.030(29) shall have a blood sample drawn for purposes of DNA identification analysis before release from or transfer to a state correctional institution or county jail or detention facility. Any blood sample taken pursuant to section 2 of this act, this section, and sections 4 and 5 of this act shall be used solely for the purpose of providing DNA or other blood grouping tests for identification analysis and prosecution of a sex offense or a violent offense.

NEW SECTION. Sec. 4. The state patrol in consultation with the University of Washington school of medicine may:

(1) Provide assistance to law enforcement officials and prosecutors in the preparation and utilization of DNA evidence for presentation in court; and

(2) Provide expert testimony in court on DNA evidentiary issues.

NEW SECTION. Sec. 5. (1) No local law enforcement agency may establish or operate a DNA identification system before July 1, 1990.

(2) No local law enforcement agency may establish or operate a DNA identification system after June 30, 1990 unless:

(a) The equipment of the local system is compatible with that of the state system under section 2 of this act;

(b) The local system is equipped to receive and answer inquiries from the Washington state patrol DNA identification system and transmit data to the Washington state patrol DNA identification system; and

(c) The procedure and rules for the collection, analysis, storage, expungement, and use of DNA identification data do not conflict with procedures and rules applicable to the state patrol DNA identification system.

(3) The Washington state patrol shall adopt rules to implement this section.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are each added to chapter 43.43 RCW.

NEW SECTION. Sec. 7. Any moneys received by the state from the federal bureau of justice assistance shall be used to conserve state funds if not inconsistent with the terms of the grant. To the extent that federal funds are available for the purposes of this act, state funds appropriated in this section shall lapse and revert to the general fund.

NEW SECTION. Sec. 8. The sum of six hundred ten thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the state patrol for the purposes of this act. The state patrol may not use any state, federal, or private funds to implement or establish a DNA identification system data bank prior to July 1, 1990 and prior to the legislature's adoption of safeguards for the collection, analysis, storage, expungement, and use of DNA identification data.

On page 1, line 1 of the title, after "identification," strike the remainder of the title and insert "adding new sections to chapter 43.43 RCW; creating a new section; and making an appropriation."

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Brough, Dorn, Ferguson, Hine, May, McLean, Nealey, Peery, Rust, Sayan, Spanel, Sprenkle, Valle and Wineberry.

Absent: Representatives Doty, Ebersole, Holland and Padden.

Passed to Committee on Rules for second reading.

April 1, 1989

SB 5381 Prime Sponsor, Senator Sellar: Increasing penalties for vehicular homicide due to drunken or reckless driving. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Judiciary. Signed by Representatives Locke, Chair, Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Bowman, Braddock, Bristow, Brough, Dorn, Doty, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprengle, Valle and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Wang.

Absent: Representatives Belcher and Wineberry.

Passed to Committee on Rules for second reading.

April 1, 1989

SSB 5383 Prime Sponsor, Committee on Economic Development & Labor: Establishing a program for employment and training planning. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Trade & Economic Development. Signed by Representatives Locke, Chair; Grant, Vice Chair, H. Sommers, Vice Chair; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Brekke, Dorn, Hine, May, Rust, Sayan, Spanel, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Bowman, Brough, Ferguson, McLean, Nealey and Padden.

Absent: Representatives Doty and Holland.

Passed to Committee on Rules for second reading.

March 31, 1989

SSB 5418 Prime Sponsor, Committee on Ways & Means: Altering pension funding. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendments:

- On page 4, line 1 strike "July 1, 1991" and insert "September 1, 1990"
- On page 4, line 6 strike "July 1, 1991" and insert "September 1, 1990"
- On page 4, line 11 strike "July 1, 1991" and insert "September 1, 1990"
- On page 4, line 36 strike "July 1, 1991" and insert "September 1, 1990"
- On page 5, line 13 strike "July 1, 1991" and insert "September 1, 1990"
- On page 5, line 24 strike "July 1, 1991" and insert "September 1, 1990"
- On page 5, line 30 strike "January 1, 1991" and insert "January 1, 1990"
- On page 22, line 32 strike "July 1, 1991" and insert "September 1, 1990"
- On page 29, line 25 strike "July 1, 1991" and insert "September 1, 1990"

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Brekke, Bristow, Brough, Dorn, Doty, Ferguson, Hine, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

Absent: Representatives Braddock, Ebersole and Holland.

Passed to Committee on Rules for second reading.

March 31, 1989

ESB 5590 Prime Sponsor, Senator Conner: Making changes to the firefighters relief and pension fund. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Brekke, Bristow, Brough, Dorn, Doty, Ferguson, Hine, May, McLean,

Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Braddock, Ebersole and Holland.

Passed to Committee on Rules for second reading.

April 1, 1989

ESSB 5644 Prime Sponsor, Committee on Environment & Natural Resources: Transferring designated portions of the Milwaukee Road from the department of natural resources to the parks and recreation commission. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Brough, Doty, Ferguson, Hine, May, Nealey, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Without recommendation. Signed by Representative McLean.

Absent: Representatives Bristow, Dorn, Holland, Nealey and Padden.

Passed to Committee on Rules for second reading.

April 1, 1989

SSB 5648 Prime Sponsor, Committee on Economic Development & Labor: Authorizing creation of a federation of Washington ports. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Trade & Economic Development as further amended with the following amendments by Committee on Appropriations:

On page 9, after line 27 of the amendment strike all material down to and including "members," on page 12, line 38

Renumber the remaining sections consecutively and correct internal references accordingly

On page 17, beginning on line 7 of the amendment strike "53.31.010, 53.31.020."

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Youngsman, Assistant Ranking Republican Member; Appelwick, Brekke, Ferguson, Hine, May, McLean, Nealey, Peery, Spanel, Sprenkle, Valle and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Belcher, Bowman, Dorn and Wang.

Voting nay: Representatives Belcher, Bowman, Brough, Dorn, Sayan and Wang.

Absent: Representatives Silver, Ranking Republican Member; Braddock, Bristow, Doty, Ebersole, Holland and Padden.

Passed to Committee on Rules for second reading.

April 1, 1989

2SSB 5660 Prime Sponsor, Committee on Ways & Means: Regarding child care resource and referral. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Ebersole, Ferguson, Hine, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Absent: Representatives Holland, McLean and Peery.

Passed to Committee on Rules for second reading.

April 1, 1989

ESSB 5713 Prime Sponsor, Committee on Health Care & Corrections: Providing for licensure of medical test sites. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor as further amended with the following amendment by Committee on Appropriations:

On page 16, line 14 of the striking amendment, after "1992" strike all material through "act)" on page 18, line 18

Re-number remaining sections consecutively and correct internal references accordingly

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Appelwick, Belcher, Bowman, Brekke, Bristow, Ferguson, Hine, May, McLean, Nealey, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Braddock and Brough.

Absent: Representatives Dorn, Doty, Ebersole, Holland and Padden.

Passed to Committee on Rules for second reading.

March 31, 1989

ESB 5833 Prime Sponsor, Senator Pullen: Amending the disposition and sentencing standards for juvenile offenders. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Judiciary. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Bristow, Brough, Dorn, Doty, Ferguson, Hine, May, McLean, Nealey, Padden, Peery, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Brekke and Rust.

Absent: Representatives Braddock, Ebersole and Holland.

Passed to Committee on Rules for second reading.

April 1, 1989

SSB 5866 Prime Sponsor, Committee on Governmental Operations: Permitting the use of credit cards to pay certain taxes. Reported by Committee on Revenue

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 7, chapter 42, Laws of 1982 1st ex. sess. and RCW 39.88.060 are each amended to read as follows:

(1) Any taxing district that objects to the apportionment district, the duration of the apportionment, the manner of apportionment, or the propriety of cost items established by the public improvement ordinance of the sponsor may, within thirty days after ((receipt)) mailing of the ordinance, petition for review thereof by the state board of tax appeals. The state board of tax appeals shall meet within a reasonable time, hear all the evidence presented by the parties on matters in dispute, and determine the issues upon the evidence as may be presented to it at the hearing. The board may approve or deny the public improvement ordinance as enacted or may grant approval conditioned upon modification of the ordinance by the sponsor. The decision by the state board of tax appeals shall be final and conclusive but shall not preclude modification or discontinuation of the public improvement.

(2) If the sponsor modifies the public improvement ordinance as directed by the board, the public improvement ordinance shall be effective without further hearings or findings and shall not be subject to any further appeal. If the sponsor modifies the public improvement ordinance in a manner other than as directed by the board, the public improvement ordinance shall be subject to the procedures established pursuant to RCW 39.88.040 and 39.88.050.

Sec. 2. Section 2, chapter 129, Laws of 1893 as last amended by section 74, chapter 195, Laws of 1973 1st ex. sess. and RCW 58.08.040 are each amended to read as follows:

Any person filing a plat, replat, altered plat, binding site plan, or condominium plan subsequent to May 31st in any year and prior to the date of the collection of taxes, shall deposit with the county treasurer a sum equal to the product of the county assessor's latest valuation on the unimproved property in such subdivision multiplied by the current year's dollar rate increased by twenty-five percent on the property platted. The treasurer's receipt for said amount shall be taken by the auditor as evidence of the payment of the tax. The treasurer shall appropriate so much of said deposit as will pay the taxes on the said property when the tax rolls are placed in his hands for collection, and in case the sum deposited is in excess of the amount necessary for the payment of the said taxes, the treasurer shall return, to the party depositing, the amount of said excess, taking his receipt therefor, which receipt shall be accepted for its face value on the treasurer's quarterly settlement with the county auditor.

Sec. 3. Section 106, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.94.210 are each amended to read as follows:

(1) The legislature finds that maintaining public lands in public ownership is often in the public interest. However, when second class shorelands on navigable lakes have minimal public value, the sale of those shorelands to the abutting upland owner may not be contrary to the public interest: PROVIDED, That the purpose of this section is to remove the prohibition contained in RCW 79.94.150 regarding the sale of second class shorelands to abutting owners, whose uplands front on the shorelands. Nothing contained in this section shall be construed to otherwise affect the rights of interested parties relating to public or private ownership of shorelands within the state.

(2) Notwithstanding the provisions of RCW 79.94.150, the department of natural resources may sell second class shorelands on navigable lakes to abutting owners whose uplands front upon the shorelands in cases where the board of natural resources has determined that these sales would not be contrary to the public interest. These shorelands shall be sold at fair market value, but not less than five percent of the fair market value of the abutting upland, less improvements, to a maximum depth of one hundred and fifty feet landward from the line of ordinary high water.

(3) Review of the decision of the department regarding the sale price established for a shoreland to be sold pursuant to this section may be obtained by the upland owner by filing a petition with the board of tax appeals created in accordance with chapter 82.03 RCW within thirty days ~~((of the date the department notified))~~ after the mailing of notification by the department to the owner regarding the price. The board of tax appeals shall review such cases in ~~((a contested case))~~ an adjudicative proceeding as described in chapter: ~~((34.04))~~ 34.05 RCW, the administrative procedure act, and the board's review shall be de novo. Decisions of the board of tax appeals regarding fair market values determined pursuant to this section shall be final unless appealed to the superior court pursuant to RCW ~~((34.04.130))~~ 34.05.510 through 34.05.598.

Sec. 4. Section 42, chapter 26, Laws of 1967 ex. sess. as last amended by section 6, chapter 46, Laws of 1982 1st ex. sess. and RCW 82.03.130 are each amended to read as follows:

The board shall have jurisdiction to decide the following types of appeals:

(1) Appeals taken pursuant to RCW 82.03.190.

(2) Appeals from a county board of equalization pursuant to RCW 84.08.130.

(3) Appeals by an assessor or landowner from an order of the director of revenue made pursuant to RCW 84.08.010 and 84.08.060, if filed with the board of tax appeals within thirty days after the mailing of the order, the right to such an appeal being hereby established.

(4) Appeals by an assessor or owner of an intercounty public utility or private car company from determinations by the director of revenue of equalized assessed valuation of property and the apportionment thereof to a county made pursuant to chapter 84.12 RCW and 84.16 RCW, if filed with the board of tax appeals within thirty days after mailing of the determination, the right to such appeal being hereby established.

(5) Appeals by an assessor, landowner, or owner of an intercounty public utility or private car company from a determination of any county indicated ratio for such county compiled by the department of revenue pursuant to RCW 84.48.075: PROVIDED, That

(a) Said appeal be filed after review of the ratio under RCW 84.48.075(3) and not later than fifteen days after the ~~((date of))~~ mailing of the certification ~~((as required by RCW 84.48.075));~~ and

(b) The hearing before the board shall be expeditiously held in accordance with rules prescribed by the board and shall take precedence over all matters of the same character.

(6) Appeals from the decisions of sale price of second class shorelands on navigable lakes by the department of natural resources pursuant to RCW 79.94.210.

(7) Appeals from urban redevelopment property tax apportionment district proposals established by governmental ordinances pursuant to RCW 39.88.060.

(8) Appeals from interest rates as determined by the department of revenue for use in valuing farmland under current use assessment pursuant to RCW 84.34.065.

(9) Appeals from revisions to stumpage value tables used to determine value by the department of revenue pursuant to RCW 84.33.091.

(10) Appeals from denial of tax exemption application by the department of revenue pursuant to RCW 84.36.850.

Sec. 5. Section 48, chapter 26, Laws of 1967 ex. sess. as last amended by section 211, chapter 3, Laws of 1983 and RCW 82.03.190 are each amended to read as follows:

Any person having received notice of a denial of a petition or a notice of determination made under RCW 82.32.160 ~~((or)), 82.32.170, 82.34.110, or 82.49.060~~ may appeal, within thirty days ~~((from the date))~~ after the mailing of the notice of such denial or determination, to the board of tax appeals. In the notice of appeal the taxpayer shall set forth the amount of the tax which ~~((he))~~ the taxpayer contends should be reduced or refunded and the reasons for such reduction or refund, in accordance with rules of practice and procedure prescribed by the board. ~~((The appeal shall be perfected by serving))~~ A copy of the notice of appeal ~~((upon))~~ shall be provided to the department ~~((of revenue))~~ within the time specified ~~((herein and by filing the original thereof with proof of service with the clerk of the board. PROVIDED, HOWEVER, That))~~ in the rules of practice and procedure prescribed by the board. However, if the notice of appeal relates to an application made to the department ~~((of revenue))~~ under chapter 82.34 RCW, the taxpayer shall set forth the amount to which the taxpayer claims the credit or exemption should apply, and the grounds for such contention, in accordance with rules of practice and procedure prescribed by the board. If the taxpayer intends that the hearing before the board be held pursuant to the administrative procedure act (chapter ~~((34.04))~~ 34.05 RCW), the notice of appeal shall also so state. In the event that the notice of appeal does not so state, the department may, within ~~((ten))~~ thirty days from the date of its receipt of the notice of appeal, file with ~~((the clerk of))~~ the board notice of its intention that the hearing be held pursuant to the administrative procedure act.

NEW SECTION. Sec. 6. A new section is added to chapter 84.04 RCW to read as follows:

'Legal description' shall be given its commonly accepted meaning, but for property tax purposes, the parcel number is sufficient for the legal description.

Sec. 7. Section 84.08.130, chapter 15, Laws of 1961 as last amended by section 8, chapter 222, Laws of 1988 and RCW 84.08.130 are each amended to read as follows:

Any taxpayer or taxing unit feeling aggrieved by the action of any county board of equalization may appeal to the board of tax appeals by filing with the county auditor a notice of appeal in duplicate within thirty days after the mailing of the decision of such board of equalization, which notice shall specify the actions complained of, and said auditor shall forthwith transmit one of said notices to the board of tax appeals; and in like manner any county assessor may appeal to the board of tax appeals from any action of any county board of equalization. There shall be no fee charged for the filing of an appeal. The petitioner shall provide a copy of the notice of appeal to all named parties within the time period provided in the rules of practice and procedure of the board of tax appeals. Appeals which are not filed as provided in this section shall be continued or dismissed. The board of tax appeals shall require the board appealed from to file a true and correct copy of its decision in such action and all evidence taken in connection therewith, and may receive further evidence, and shall make such order as in its judgment is just and proper.

Sec. 8. Section 84.09.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 82, Laws of 1987 and by section 1, chapter 358, Laws of 1987 and RCW 84.09.030 are each reenacted and amended to read as follows:

For the purposes of property taxation and the levy of property taxes the boundaries of counties, cities and all other taxing districts shall be the established official boundaries of such districts existing on the first day of March of the year in which the levy is made, and no such levy shall be made for any taxing district whose boundaries were not duly established on the first day of March of such year. Boundaries for port districts newly formed by election, with boundaries coterminous with other taxing district boundaries established prior to the first day of March, shall be the established official boundaries existing on the first day of October following formation. However, the boundaries of a taxing district shall be established on the first day of June of the year in which the property tax levy is made whenever the taxing district has incorporated that year and has boundaries coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year, or the boundaries of a taxing district have been altered that year by removing or adding territory with boundaries coterminous with the boundaries of another taxing district to the taxing district as they existed on the first day of March of that year. In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth any change in such boundaries, is required by law to be filed in the office of the county auditor or other county official, said instrument shall be filed in triplicate. The officer with whom such instrument is filed shall transmit two copies to the county assessor.

Sec. 9. Section 5, chapter 138, Laws of 1987 and RCW 84.09.035 are each amended to read as follows:

Notwithstanding the provisions of RCW 84.09.030, the boundaries of a library district, metropolitan park district, fire protection district, or public hospital district that withdraws an area from its boundaries pursuant to RCW 27.12.355, 35.61.360, 52.04.056, or 70.44.235, which area has

boundaries that are coterminous with the boundaries of a (~~taxing district~~) tax code area, shall be established as of the first day of October in the year in which the area is withdrawn.

Sec. 10. Section 10, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.065 are each amended to read as follows:

The true and fair value of farm and agricultural land shall be determined by consideration of the earning or productive capacity of comparable lands from crops grown most typically in the area averaged over not less than five years, capitalized at indicative rates. The earning or productive capacity of farm and agricultural lands shall be the 'net cash rental', capitalized at a 'rate of interest' charged on long term loans secured by a mortgage on farm or agricultural land plus a component for property taxes.

For the purposes of the above computation:

(1) The term 'net cash rental' shall mean the average rental paid on an annual basis, in cash or its equivalent, for the land being appraised and other farm and agricultural land of similar quality and similarly situated that is available for lease for a period of at least three years to any reliable person without unreasonable restrictions on its use for production of agricultural crops. There shall be allowed as a deduction from the rental received or computed any costs of crop production charged against the landlord if the costs are such as are customarily paid by a landlord. If 'net cash rental' data is not available, the earning or productive capacity of farm and agricultural lands shall be determined by the cash value of typical or usual crops grown on land of similar quality and similarly situated averaged over not less than five years. Standard costs of production shall be allowed as a deduction from the cash value of the crops.

The current 'net cash rental' or 'earning capacity' shall be determined by the assessor with the advice of the advisory committee as provided in RCW 84.34.145, and through a continuing study within his office, assisted by studies of the department of revenue. This net cash rental figure as it applies to any farm and agricultural land may be challenged before the same boards or authorities as would be the case with regard to assessed values on general property.

(2) The term 'rate of interest' shall mean the rate of interest charged by the farm credit administration and other large financial institutions regularly making loans secured by farm and agricultural lands through mortgages or similar legal instruments, averaged over the immediate past five years.

The 'rate of interest' shall be determined annually by adoption of a rule by the revenue department of the state of Washington, and such (~~determination~~) rule shall be published in the state register not later than January 1 of each year for use in that assessment year. The determination of the revenue department may be appealed to the state board of tax appeals within thirty days after the date of publication by any owner of farm or agricultural land or the assessor of any county containing farm and agricultural land.

(3) The 'component for property taxes' shall be a percentage equal to the estimated millage rate times the legal assessment ratio.

Sec. 11. Section 8, chapter 169, Laws of 1974 ex. sess. as amended by section 17, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.470 are each amended to read as follows:

The following property shall be exempt from taxation: Any agricultural or horticultural produce or crop, including any animal, bird, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom grown or produced for sale by any person upon his own lands or upon lands in which he has a present right of possession who is exempted from payment of business and occupation tax pursuant to RCW 82.04.330 (~~as now or hereafter amended shall be assessed for the purposes of ad valorem taxes according to the following schedule:~~

~~Commencing with assessment as of January 1, 1975, for taxes due in 1976 the assessment level shall be seventy-five percent of true and fair value.~~

~~Commencing with assessment as of January 1, 1976, for taxes due in 1977 the assessment level shall be seventy percent of true and fair value.~~

~~Commencing with assessment as of January 1, 1977, for taxes due in 1978 the assessment level shall be sixty percent of true and fair value.~~

~~Commencing with assessment as of January 1, 1978, for taxes due in 1979 the assessment level shall be fifty percent of true and fair value.~~

~~Commencing with assessment as of January 1, 1979, for taxes due in 1980 the assessment level shall be forty percent of true and fair value.~~

~~Commencing with assessment as of January 1, 1980, for taxes due in 1981 the assessment level shall be thirty percent of true and fair value.~~

~~Commencing with assessment as of January 1, 1981, for taxes due in 1982 the assessment level shall be twenty percent of true and fair value.~~

~~Commencing with assessment as of January 1, 1982, for taxes due in 1983 the assessment level shall be ten percent of true and fair value.~~

~~Commencing with assessment as of January 1, 1983, for taxes due in 1984 such inventories shall be fully exempt under chapter 84.36 RCW.~~

~~Commencing with January 1, 1983, assessments for taxes due in 1984. Taxpayers shall not be required to report, or assessors to list, the inventories covered by this (phase-out) exemption.~~

Nothing in this section shall be construed to remove or otherwise affect any exemption from assessment granted by RCW 84.44.060.

Sec. 12. Section 16, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.850 are each amended to read as follows:

Any applicant aggrieved by the department of revenue's denial of an exemption application may petition the state board of tax appeals to review an application for either real or personal property tax exemption and the board shall consider any appeals to determine (1) if the property is entitled to an exemption, and (2) the amount or portion thereof.

A county assessor of the county in which the exempted property is located shall be empowered to appeal to the state board of tax appeals to review any real or personal property tax exemption approved by the department of revenue which he feels is not warranted.

Appeals from a department of revenue decision must be made within thirty days (~~of the notification~~) after the mailing of the approval or denial.

Sec. 13. Section 25, chapter 222, Laws of 1988 and RCW 84.48.065 are each amended to read as follows:

The county assessor or treasurer may cancel or correct assessments on the assessment or tax rolls which are erroneous due to manifest errors in description, double assessments, clerical errors in extending the rolls, and such manifest errors in the listing of the property which do not involve a revaluation of property, such as the assessment of property exempted by law from taxation or the failure to deduct the exemption allowed by law to the head of a family. When the county assessor cancels or corrects an assessment, the assessor shall send a notice to the taxpayer advising the taxpayer that the action of the county assessor is not final and shall be considered by the county board of equalization, and that such notice shall constitute legal notice of such fact. When the county assessor or treasurer cancels or corrects an assessment, a record of such action shall be prepared and filed with the county board of equalization, setting forth therein the facts relating to the error. The record shall also set forth by legal description all property belonging exclusively to the state, any county, or any municipal corporation whose property is exempt from taxation, upon which there remains, according to the tax roll, any unpaid taxes.

The county board of equalization shall consider only such matters as appear in the record filed with it by the county assessor or treasurer and shall correct only such matters as are set forth in the record, but it shall have no power to change or alter the assessment of any person, or change the aggregate value of the taxable property of the county, except insofar as it is necessary to correct the errors mentioned in this section. If the county board of equalization finds that the action of the assessor was not correct, it shall issue a supplementary roll including such corrections as are necessary, and the assessment and levy shall have the same force and effect as if made in the first instance, and the county treasurer shall proceed to collect the taxes due on the supplementary roll. The board shall make findings of the facts upon which it bases its decision on all matters submitted to it, and when so made the assessment and levy shall have the same force as if made in the first instance, and the county treasurer shall proceed to collect the taxes due on the rolls as modified.

The county board of equalization shall convene on a day fixed by the board for the purpose of considering such matters as appear in the record filed by the county assessor or treasurer.

Sec. 14. Section 1, chapter 156, Laws of 1987 and RCW 84.52.018 are each amended to read as follows:

Whenever any property value or claim for exemption or cancellation of a property assessment is appealed to the state board of tax appeals or court of competent jurisdiction and the dollar difference between the total value asserted by the taxpayer and the total value asserted by the opposing party exceeds one-fourth of one percent of the total assessed value of property in the county, the assessor shall use only that portion of the total value which is not in controversy for purposes of computing the levy rates and extending the tax on the tax roll in accordance with this chapter, unless the state board of tax appeals has issued its determination at the time of extending the tax.

When the state board of tax appeals or court of competent jurisdiction makes its final determination, the proper amount of tax shall be extended and collected for each taxing district if this has not already been done. The amount of tax collected and extended shall include interest at the rate of nine percent per year on the amount of the board's final determination minus the amount not in controversy. The interest shall accrue from the date the amount not in controversy was first due and payable. Any amount extended in excess of that permitted by chapter 84.55 RCW shall be held in abeyance and used to reduce the levy rates of the next succeeding levy.

Sec. 15. Section 84.52.080, chapter 15, Laws of 1961 as last amended by section 29, chapter 222, Laws of 1988 and RCW 84.52.080 are each amended to read as follows:

(1) The county assessor shall extend the taxes upon the tax rolls in the form herein prescribed. The rate percent necessary to raise the amounts of taxes levied for state and county purposes, and for purposes of taxing districts coextensive with the county, shall be computed upon the assessed value of the property of the county; the rate percent necessary to raise the amount of taxes levied for any taxing district within the county shall be computed upon the assessed value of the property of the district; all taxes assessed against any property shall be added together and extended on the rolls in a column headed consolidated or total tax. In extending any tax, whenever it amounts to a fractional part of a cent greater than five mills it shall be made one cent, and whenever it amounts to five mills or less than five mills it shall be dropped. The amount of all taxes shall be entered in the proper columns, as shown by entering the rate percent necessary to raise the consolidated or total tax and the total tax assessed against the property.

(2) For the purpose of computing the rate necessary to raise the amount of any excess levy in a taxing district which has classified or designated forest land under chapter 84.33 RCW, other than the state, the county assessor shall add the district's timber assessed value, as defined in RCW 84.33.035, to the assessed value of the property: PROVIDED, That for school districts maintenance and operations levies only one-half of the district's timber assessed value or eighty percent of the timber roll of such district in calendar year 1983 as determined under chapter 84.33 RCW, whichever is greater, shall be added.

(3) Upon the completion of such tax extension, it shall be the duty of the county assessor to make in each assessment book, tax roll or list a certificate in the following form:

I,, assessor of county, state of Washington, do hereby certify that the foregoing is a correct list of taxes levied on the real and personal property in the county of for the year one thousand nine hundred and

Witness my hand this day of, 19....

..... County Assessor

(4) The county assessor shall deliver said tax rolls to the county treasurer, on or before the fifteenth day of January, taking receipt therefor, and at the same time the county assessor shall provide the county auditor with an abstract of the tax rolls showing the total amount of taxes collectible in each of the taxing districts.

Sec. 16, Section 84.69.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 228, Laws of 1981 and RCW 84.69.020 are each amended to read as follows:

~~((On order of the board of county commissioners or other county legislative authority of any county:))~~ Ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once; or
- (2) Paid as a result of manifest error in description; or
- (3) Paid as a result of a clerical error in extending the tax rolls; or
- (4) Paid as a result of other clerical errors in listing property; or
- (5) Paid with respect to improvements which did not exist on assessment date; or
- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional; or
- (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended; or

(8) Paid or overpaid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same or paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same with respect to real property in which the person paying the same has no legal interest; or

(9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board; or

(10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under subsections (9) and (10) shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order; or

(11) Paid as a state property tax levied upon ~~((county assessed))~~ property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 (Amendment 59) of the state Constitution equal one percent of the assessed value established by the board: ~~((or))~~

(12) Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, That the amount refunded shall be for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding; or

(13) Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2).

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsections (9), (10), (11), and (12).

The county treasurer of each county shall, by the first Monday in January of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund.

Sec. 17. Section 84.69.060, chapter 15, Laws of 1961 as last amended by section 32, chapter 222, Laws of 1988 and RCW 84.69.060 are each amended to read as follows:

Refunds ordered under this chapter with respect to county, state, and taxing district taxes shall be paid by checks drawn upon the appropriate fund by the county treasurer: PROVIDED, That in making refunds on a levy code or tax code basis, the county treasurer may make an adjustment on the next property tax payment due for the amount of the refund unless the taxpayer requests immediate refund.

Sec. 18. Section 82.32.050, chapter 15, Laws of 1961 as last amended by section 16, chapter 299, Laws of 1971 ex. sess. and RCW 82.32.050 are each amended to read as follows:

If upon examination of any returns or from other information obtained by the department it appears that a tax or penalty has been paid less than that properly due, the department shall assess against the taxpayer such additional amount found to be due and ~~((as to assessments made on and after May 1, 1965, including assessments for additional tax or penalties due prior to that date))~~ shall add thereto interest at the rate of nine percent per annum from the last day of the year in which the deficiency is incurred until date of payment. The department shall notify the taxpayer by mail of the additional amount and the same shall become due and shall be paid within ~~((ten))~~ thirty days from the date of the notice, or within such further time as the department may provide. If payment is not received by the department by the due date specified in the notice, or any extension thereof, the department shall add a penalty of ten percent of the amount of the additional tax found due. If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.

No assessment or correction of an assessment for additional taxes due may be made by the department more than four years after the close of the tax year, except (1) against a taxpayer who has not registered as required by this chapter, (2) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or (3) where a taxpayer has executed a written waiver of such limitation.

Sec. 19. Section 82.32.060, chapter 15, Laws of 1961 as last amended by section 4, chapter 95, Laws of 1979 ex. sess. and RCW 82.32.060 are each amended to read as follows:

If, upon receipt of an application by a taxpayer for a refund or for an audit of ~~((his))~~ the taxpayer's records, or upon an examination of the returns or records of any taxpayer, it is determined by the department that within the statutory period for assessment of taxes prescribed by RCW 82.32.050 a tax has been paid in excess of that properly due, the excess amount paid within such period shall be credited to the taxpayer's account or shall be refunded to the taxpayer, at ~~((his))~~ the taxpayer's option. No refund or credit shall be made for taxes paid more than four years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.

Notwithstanding the foregoing limitations there shall be refunded or credited to taxpayers engaged in the performance of United States government contracts or subcontracts the amount of any tax paid, measured by that portion of the amounts received from the United States, which the taxpayer is required by contract or applicable federal statute to refund or credit to the United States, if claim for such refund is filed by the taxpayer with the department within one year of the date that the amount of the refund or credit due to the United States is finally determined and filed within four years of the date on which the tax was paid: PROVIDED, That no interest shall be allowed on such refund.

Any such refunds shall be made by means of vouchers approved by the department and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide.

Any judgment for which a recovery is granted by any court of competent jurisdiction, not appealed from, for tax, penalties, and interest which were paid by the taxpayer, and costs, in a suit by any taxpayer shall be paid in like manner, upon the filing with the department of a certified copy of the order or judgment of the court. Except as to the credits in computing tax authorized by RCW 82.04.435, interest at the rate of three percent per annum shall be allowed by the department and by any court on the amount of any refund or recovery allowed to a taxpayer for taxes, penalties, or interest paid by ~~((him after May 1, 1949, and interest at the same rate shall be allowed on any judgment recovered by a taxpayer for taxes, penalties, or interest paid after such date))~~ the taxpayer.

Sec. 20. Section 82.32.100, chapter 15, Laws of 1961 as last amended by section 20, chapter 299, Laws of 1971 ex. sess. and RCW 82.32.100 are each amended to read as follows:

If any person fails or refuses to make any return or to make available for examination the records required by this chapter, the department shall proceed, in such manner as it may deem best, to obtain facts and information on which to base its estimate of the tax; and to this end the department may examine the books, records, and papers of any such person and may take evidence, on oath, of any person, relating to the subject of inquiry.

As soon as the department procures such facts and information as it is able to obtain upon which to base the assessment of any tax payable by any person who has failed or refused to make a return, it shall proceed to determine and assess against such person the tax and penalties due, but such action shall not deprive such person from appealing to the superior court as hereinafter provided. To the assessment the department shall add(~~(?)~~) the penalties provided in RCW 82.32.090. The department shall notify the taxpayer by mail of the total amount of such tax, penalties, and interest, and the total amount shall become due and shall be paid within (~~(ten)~~) thirty days from the date of such notice.

No assessment or correction of an assessment may be made by the department more than four years after the close of the tax year, except (1) against a taxpayer who has not registered as required by this chapter, (2) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or (3) where a taxpayer has executed a written waiver of such limitation.

Sec. 21. Section 82.32.160, chapter 15, Laws of 1961 as last amended by section 4, chapter 158, Laws of 1975 1st ex. sess. and RCW 82.32.160 are each amended to read as follows:

Any person having been issued a notice of additional taxes, delinquent taxes, interest, or penalties assessed by the department (~~(of revenue)~~), may within (~~(twenty)~~) thirty days after the issuance of the original notice of the amount thereof or within the period covered by any extension of the due date thereof granted by the department petition the department in writing for a correction of the amount of the assessment, and a conference for examination and review of the assessment. The petition shall set forth the reasons why the correction should be granted and the amount of the tax, interest, or penalties, which the petitioner believes to be due. The department shall promptly consider the petition and may grant or deny it. If denied, the petitioner shall be notified by mail thereof forthwith. If a conference is granted, the department shall fix the time and place therefor and notify the petitioner thereof by mail. After the conference the department may make such determination as may appear to it to be just and lawful and shall mail a copy of its determination to the petitioner. If no such petition is filed within the (~~(twenty-day)~~) thirty-day period the assessment covered by the notice shall become final.

The procedures provided for herein shall apply also to a notice denying, in whole or in part, an application for a pollution control tax exemption and credit certificate, with such modifications to such procedures established by departmental rules and regulations as may be necessary to accommodate a claim for exemption or credit.

Sec. 22. Section 82.32.180, chapter 15, Laws of 1961 as last amended by section 67, chapter 202, Laws of 1988 and RCW 82.32.180 are each amended to read as follows:

Any person, except one who has failed to keep and preserve books, records, and invoices as required in this chapter and chapter 82.24 RCW, having paid any tax as required and feeling aggrieved by the amount of the tax may appeal to the superior court of Thurston county, within the time limitation for a refund provided in chapter 82.32 RCW or, if an application for refund has been made to the department within that time limitation, then within thirty days after rejection of the application, whichever time limitation is later. In the appeal the taxpayer shall set forth the amount of the tax imposed upon (~~(him)~~) the taxpayer which (~~(he)~~) the taxpayer concedes to be the correct tax and the reason why the tax should be reduced or abated. The appeal shall be perfected by serving a copy of the notice of appeal upon the department within the time herein specified and by filing the original thereof with proof of service with the clerk of the superior court of Thurston county. Within ten days after filing the notice of appeal, the taxpayer shall file with the clerk of the superior court a good and sufficient surety bond payable to the state in the sum of two hundred dollars, conditioned to diligently prosecute the appeal and pay the state all costs that may be awarded if the appeal of the taxpayer is not sustained.

The trial in the superior court on appeal shall be de novo and without the necessity of any pleadings other than the notice of appeal. The burden shall rest upon the taxpayer to prove that the tax as paid by (~~(him)~~) the taxpayer is incorrect, either in whole or in part, and to establish the correct amount of the tax. In such proceeding the taxpayer shall be deemed the plaintiff, and the state, the defendant; and both parties shall be entitled to subpoena the attendance of witnesses as in other civil actions and to produce evidence that is competent, relevant, and material to determine the correct amount of the tax that should be paid by the taxpayer. Either party may seek appellate review in the same manner as other civil actions are appealed to (~~(those)~~) the appellate courts.

It shall not be necessary for the taxpayer to protest against the payment of any tax or to make any demand to have the same refunded or to petition the director for a hearing in order to appeal to the superior court, but no court action or proceeding of any kind shall be maintained by the taxpayer to recover any tax paid, or any part thereof, except as herein provided.

The provisions of this section shall not apply to any tax payment which has been the subject of an appeal to the board of tax appeals with respect to which appeal a formal hearing has been elected.

Sec. 23. Section 82.36.040, chapter 15, Laws of 1961 as last amended by section 4, chapter 174, Laws of 1987 and RCW 82.36.040 are each amended to read as follows:

If payment of any tax due is not received by the due date, there shall be assessed a penalty of two percent of the amount of the tax. If any distributor establishes by a fair preponderance of evidence that ~~((his or her))~~ the distributor's failure to pay the amount of tax due by the due date was attributable to reasonable cause and was not intentional or willful, the department may waive the penalty imposed by this section.

Any motor vehicle fuel tax, penalties, and interest payable under the provisions of this chapter shall bear interest at the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the close of the monthly period for which the amount or any portion thereof should have been paid until the date of payment. The department may waive the interest when the department determines that the cost of processing the collection of the interest exceeds the amount of interest due.

In any suit brought to enforce the rights of the state under this chapter, the certificate of the director showing the amount of taxes, penalties, interest and cost unpaid by any distributor and that the same are due and unpaid to the state shall be prima facie evidence of the facts as shown.

Sec. 24. Section 82.48.090, chapter 15, Laws of 1961 as last amended by section 9, chapter 220, Laws of 1987 and RCW 82.48.090 are each amended to read as follows:

In case a claim is made by any person that ~~((he))~~ the person has paid an erroneously excessive amount of excise tax under this chapter, ~~((he))~~ the person may apply to the department of transportation for a refund of the claimed excessive amount. The department of transportation shall review such application, and if it determines that an excess amount of tax has actually been paid by the taxpayer, such excess amount shall be refunded to the taxpayer by means of a voucher approved by the department of transportation and by the issuance of a state warrant drawn upon and payable from such funds as the legislature may provide for that purpose. No refund shall be allowed, however, unless application for the refund is filed with the department of transportation within ninety days after the claimed excessive excise tax was paid and the amount of the overpayment exceeds five dollars.

Sec. 25. Section 16, chapter 260, Laws of 1981 and RCW 82.50.170 are each amended to read as follows:

In case a claim is made by any person that ~~((he))~~ the person has erroneously paid the tax or a part thereof or any charge hereunder, ~~((he))~~ the person may apply in writing to the department of licensing for a refund of the amount of the claimed erroneous payment within thirteen months of the time of payment of the tax on such a form as is prescribed by the department of licensing. The department of licensing shall review such application for refund, and, if it determines that an erroneous payment has been made by the taxpayer, it shall certify the amount to be refunded to the state treasurer that such person is entitled to a refund in such amount, and the treasurer shall make such approved refund herein provided for from the general fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement in the ~~((affidavit))~~ claim herein mentioned, under which ~~((he))~~ the person obtains any amount of refund to which ~~((he))~~ the person is not entitled under the provisions of this section, shall be guilty of a gross misdemeanor.

Sec. 26. Section 84.24.070, chapter 15, Laws of 1961 and RCW 84.24.070 are each amended to read as follows:

As soon as any such relieved tax shall have been reassessed and relieved as herein provided, the ~~((board of))~~ county ((commissioners)) legislative authority shall forthwith, by proper resolution, order and direct the repayment to the owner of the property affected, of such an amount as the payments theretofore made upon the original tax exceed the amount of such relieved tax (the amount of which shall be certified by the county treasurer to ~~((said commissioners))~~ the county legislative authority), together with interest on such excess at ~~((six percent per annum))~~ the rate specified in RCW 84.69.100 from the date or dates of such excess payment, and such repayment shall be made by warrants drawn upon a fund in said treasury hereby created to be known and designated as the county tax refund fund.

Annually, at the time required by law for the levying of taxes for county purposes the proper county officers required by law to make and enter such tax levies, shall make and enter a tax levy or levies for said county tax refund fund as follows:

(1) A levy upon all of the taxable property within the county for the amount of all taxes collected by the county for county and/or state purposes, and which the ~~((board of))~~ county ((commissioners)) legislative authority has ordered ~~((and directed))~~ to be repaid within the preceding twelve months, including ~~((legal))~~ interest at the rate specified in RCW 84.69.100, together with the additional amounts hereinafter provided for;

(2) A levy upon all of the taxable property of each taxing district within the county for the amount of all taxes collected by the county for the purposes of the various taxing districts in such county, which the ~~((board of))~~ county ((commissioners)) legislative authority has ordered

~~((and directed))~~ to be repaid within the preceding twelve months, including ~~((legal))~~ interest at the rate specified in RCW 84.69.100, together with the additional amounts hereinafter provided for.

The aforesaid levy or levies shall also include a proper share of the interest paid out of said fund during said twelve months upon warrants issued against said fund, plus an additional amount not to exceed ten percent of the total of the preceding items required to be included in such levy or levies as such levying officers shall deem necessary to meet the obligations of such fund, taking into consideration the probable portions of such taxes that will not be collected or collectible during the year in which they are due and payable, and also any unobligated cash on hand in said fund.

Sec. 27. Section 84.68.030, chapter 15, Laws of 1961 and RCW 84.68.030 are each amended to read as follows:

In case it be determined in such action that said tax, or any portion thereof, so paid under protest, was unlawfully collected, judgment for recovery thereof and ~~((lawful))~~ interest thereon at the rate specified in RCW 84.69.100 from date of payment, together with costs of suit, shall be entered in favor of plaintiff. In case the action is against a county and the judgment shall become final, the amount of such judgment, including ~~((legal))~~ interest at the rate specified in RCW 84.69.100 and costs where allowed, shall be paid out of the treasury of such county by the county treasurer upon warrants drawn by the county auditor against a fund in said treasury hereby created to be known and designated as the county tax refund fund. Such warrants shall be so issued upon the filing with the county auditor and the county treasurer of duly authenticated copies of such judgment, and shall be paid by the county treasurer out of any moneys on hand in said fund. If no funds are available in such county tax refund fund for the payment of such warrants, then such warrants shall bear interest in such cases and shall be callable under such conditions as are provided by law for county warrants, and such interest, if any, shall also be paid out of said fund.

Sec. 28. Section 84.68.050, chapter 15, Laws of 1961 and RCW 84.68.050 are each amended to read as follows:

The action for the recovery of taxes so paid under protest shall be brought in the superior court of the county wherein the tax was collected or in any federal court of competent jurisdiction: PROVIDED, That where the property against which the tax is levied consists of the operating property of a railroad company, telegraph company or other public service company whose operating property is located in more than one county and is assessed as a unit by any state board or state officer or officers, the complaining taxpayer may institute such action in the superior court of any one of the counties in which such tax is payable, or in any federal court of competent jurisdiction, and may join as parties defendant in said action all of the counties to which the tax or taxes levied upon such operating property were paid or are payable, and may recover in one action from each of the county defendants the amount of the tax, or any portion thereof, so paid under protest, and adjudged to have been unlawfully collected, together with ~~((legal))~~ interest thereon at the rate specified in RCW 84.69.100 from date of payment, and costs of suit.

Sec. 29. Section 84.68.070, chapter 15, Laws of 1961 and RCW 84.68.070 are each amended to read as follows:

Except as permitted by RCW 84.68.010 through 84.68.070 and chapter 84.69 RCW, no action shall ever be brought or defense interposed attacking the validity of any tax, or any portion of any tax: PROVIDED, HOWEVER, That this section shall not be construed as depriving the defendants in any tax foreclosure proceeding of any valid defense allowed by law to the tax sought to be foreclosed therein except defenses based upon alleged excessive valuations, levies or taxes.

Sec. 30. Section 84.68.140, chapter 15, Laws of 1961 as amended by section 210, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.68.140 are each amended to read as follows:

Certified copies of the order of the department of revenue shall be forwarded to the county assessor, the county auditor and the taxpayer, and the taxpayer shall immediately be entitled to a refund of the difference, if any, between the tax already paid and the canceled or reduced or corrected tax based upon the order of the department ~~((of revenue))~~ with ~~((legal))~~ interest on such amount from the date of payment of the original tax. Upon receipt of the order of the department ~~((of revenue))~~ the county auditor shall draw a warrant against the county tax refund fund in the amount of any tax reduction so ordered, plus ~~((legal))~~ interest at the rate specified in RCW 84.69.100 to the date such warrant is issued, and such warrant shall be paid by the county treasurer out of any moneys on hand in said fund. If no funds are available in the county tax refund fund for the payment of such warrant the warrant shall bear interest and shall be callable under such conditions as are provided by law for county warrants and such interest, if any, shall also be paid out of said fund. The order of the department ~~((of revenue))~~ shall for all purposes be considered as a judgment against the county tax refund fund and the obligation thereof shall be discharged in the same manner as provided by law for the discharge of judgments against the county for excessive taxes under the provisions of RCW 84.68.010 through 84.68.070 or any act amendatory thereof.

Sec. 31. Section 84.69.030, chapter 15, Laws of 1961 and RCW 84.69.030 are each amended to read as follows:

Except in cases wherein the ~~((board of))~~ county ~~((commissioners))~~ legislative authority acts upon its own motion, no orders for a refund under this chapter shall be made except on a claim:

(1) Verified by the person who paid the tax, ~~((his))~~ the person's guardian, executor or administrator; and

(2) Filed with the county legislative authority within three years after making of the payment sought to be refunded; and

(3) Stating the statutory ground upon which the refund is claimed.

Sec. 32. Section 84.69.120, chapter 15, Laws of 1961 as amended by section 2, chapter 228, Laws of 1981 and RCW 84.69.120 are each amended to read as follows:

If the ~~((board of))~~ county ~~((commissioners))~~ legislative authority rejects a claim or fails to act within six months from the date of filing of a claim for refund in whole or in part, the person who paid the taxes, ~~((his))~~ the person's guardian, executor, or administrator may within one year after the date of the filing of the claim commence an action in the superior court against the county to recover the taxes which the ~~((board of))~~ county ~~((commissioners have))~~ legislative authority has refused to refund.

Sec. 33. Section 84.69.140, chapter 15, Laws of 1961 as amended by section 33, chapter 222, Laws of 1988 and RCW 84.69.140 are each amended to read as follows:

In any action in which recovery of taxes is allowed by the court, the plaintiff is entitled to interest on the taxes for which recovery is allowed at ~~((at))~~ the rate ~~((as determined under))~~ specified in RCW 84.69.100 from the date of collection of the tax to the date of entry of judgment, and such accrued interest shall be included in the judgment.

Sec. 34. Section 12, chapter 212, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 319, Laws of 1985 and RCW 84.34.108 are each amended to read as follows:

(1) When land has once been classified under this chapter, a notation of such designation shall be made each year upon the assessment and tax rolls and such land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of such designation;

(b) Sale or transfer to an ownership making all or a portion of such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of classification continuance. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.120, as now or hereafter amended. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals:

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of such land is no longer primarily devoted to and used for the purposes under which it was granted classification.

(2) Within thirty days after such removal of all or a portion of such land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to full market value on the date of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (5) of this section, an additional tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of such an additional tax and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such additional tax shall be equal to:

(a) The difference between the property tax paid as 'open space land', 'farm and agricultural land', or 'timber land' and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified; plus

(b) Interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter.

(4) Additional tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from current use classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognition, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as hereafter amended. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The additional tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land;

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of such land;

(f) Transfer to a church and such land would qualify for property tax exemption pursuant to RCW 84.36.020; or

(g) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections: PROVIDED, That at such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (3) of this section shall be imposed(;-or

~~(h) Transfer to a nonprofit, nonsectarian organization or association, organized and conducted for nonsectarian purposes, and such land would qualify for property tax exemption pursuant to RCW 84.36.030 and is used solely for the benefit of the poor and infirm. This subsection (h) applies only to taxes, penalties, and interest under this section that have been assessed for the removal of property from classification under this chapter after September 1, 1977, and before July 1, 1980. Any person or entity who has paid taxes to which this subsection (h) applies may apply within one hundred and eighty days after May 16, 1985, for a refund of the tax paid).~~

Sec. 35. Section 134, chapter 195, Laws of 1973 1st ex. sess. as amended by section 5, chapter 274, Laws of 1988 and RCW 84.52.043 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) Except as provided in RCW 84.52.100, the aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and fifty-five cents per thousand dollars of assessed valuation. The term 'junior taxing districts' includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; and (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069.

~~((3) It is the intent of the legislature that the provisions of this section shall supersede all conflicting provisions of law including RCW 84.52.050.))~~

Sec. 36. Section 64, chapter 278, Laws of 1986 and RCW 84.64.050 are each amended to read as follows:

After the expiration of three years from the date of delinquency, when any property remains on the tax rolls for which no certificate of delinquency has been issued, the county treasurer shall proceed to issue certificates of delinquency on said property to the county for all years' taxes, interest, and costs: PROVIDED, That the county treasurer, with the consent of the county legislative authority, may elect to issue a certificate for fewer than all years' taxes, interest, and costs to a minimum of the taxes, interest, and costs for the earliest year.

The county treasurer may include in the certificate of delinquency any assessments which are due on the property and are the responsibility of the county treasurer to collect. For purposes of this chapter, 'taxes, interest, and costs' include any assessments which are so included by the county treasurer.

The change to a three-year grace period shall first be effective on May 1, 1983. Prior to that date, the county treasurer shall send a notice to all taxpayers with taxes delinquent for two years or more, notifying them of the change in the grace period. The treasurer shall file said certificates when completed with the clerk of the court, and the treasurer shall thereupon, with such legal assistance as the county legislative authority shall provide in counties having a population of thirty thousand or more, and with the assistance of the county prosecuting attorney in counties having a population of less than thirty thousand, proceed to foreclose in the name of the county, the tax liens embraced in such certificates, and the same proceedings shall be had as when held by an individual: PROVIDED, That notice and summons must be served or notice given in a manner reasonably calculated to inform the owner or owners, and any person having a recorded interest in or lien of record upon the property, of the foreclosure action. Either (1) personal service upon the owner or owners and any person having a recorded interest in or lien of record upon the property, or (2) publication once in a newspaper of general circulation, which is circulated in the area of the property and mailing of notice by certified mail to the owner or owners and any person having a recorded interest in or lien of record upon the property, or, if a mailing address is unavailable, personal service upon the occupant of the property, if any, is sufficient. In addition to (~~describing the property as the same is described~~) the legal description on the tax rolls, the notice must include the local street address, if any. It shall be the duty of the county treasurer to mail a copy of the published summons, within fifteen days after the first publication thereof, to the treasurer of each city or town within which any property involved in a tax foreclosure is situated, but the treasurer's failure to do so shall not affect the jurisdiction of the court nor the priority of any tax sought to be foreclosed. Said certificates of delinquency issued to the county may be issued in one general certificate in book form including all property, and the proceedings to foreclose the liens against said property may be brought in one action and all persons interested in any of the property involved in said proceedings may be made codefendants in said action, and if unknown may be therein named as unknown owners, and the publication of such notice shall be sufficient service thereof on all persons interested in the property described therein, except as provided above. The person or persons whose name or names appear on the treasurer's rolls as the owner or owners of said property shall be considered and treated as the owner or owners of said property for the purpose of this section, and if upon said treasurer's rolls it appears that the owner or owners of said property are unknown, then said property shall be proceeded against, as belonging to an unknown owner or owners, as the case may be, and all persons owning or claiming to own, or having or claiming to have an interest therein, are hereby required to take notice of said proceedings and of any and all steps thereunder: PROVIDED, That prior to the sale of the property, if such property is shown on the tax rolls under unknown owners or as having an assessed value of three thousand dollars or more, the treasurer shall order or conduct a title search of the property to be sold to determine the legal description of the property to be sold and the record title holder, and if the record title holder or holders differ from the person or persons whose name or names appear on the treasurer's rolls as the owner or owners, the record title holder or holders shall be considered and treated as the owner or owners of said property for the purpose of this section, and shall be entitled to the notice provided for in this section.

The county treasurer shall not issue certificates of delinquency upon property which is eligible for deferral of taxes under chapter 84.38 RCW but shall require the owner of the property to file a declaration to defer taxes under chapter 84.38 RCW.

NEW SECTION. Sec. 37. A new section is added to chapter 84.56 RCW to read as follows:

In the payment of taxes, interest, and penalties, the county treasurer may accept in lieu of cash a credit card issued by a bank or other financial institution if the bank or financial institution guarantees full payment of the amount due, without discount or other cost or charge, to the county.

Sec. 38. Section 36.32.120, chapter 4, Laws of 1963 as last amended by section 8, chapter 168, Laws of 1988 and RCW 36.32.120 are each amended to read as follows:

The legislative authorities of the several counties shall:

(1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferrriage; grant grocery and other licenses authorized by law to be by them granted at fees set by the legislative authorities which shall not exceed the costs of administration and operation of such licensed activities;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law: PROVIDED, That the legislative authority of a county may permit all moneys, assessments, and taxes belonging to or collected for the use of the state or any county, including any amounts representing estimates for future assessments and taxes, to be deposited by any taxpayer prior to the due date thereof with the treasurer or other legal depository for the benefit of the funds to which they belong to be credited against any future tax or assessment that may be levied or become due from the taxpayer: PROVIDED FURTHER, That the taxpayer, with the concurrence of the county legislative authority, may designate the particular fund against which such prepayment of future tax or assessment shall be credited;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: PROVIDED, That except for Washington state statutes, there shall be filed in the county auditor's office one copy of such codes and compilations ten days prior to their adoption by reference, and additional copies may also be filed in library or city offices within the county as deemed necessary by the county legislative authority: PROVIDED FURTHER, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the county legislative authority of which at least ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor or a civil violation subject to a monetary penalty: PROVIDED FURTHER, That violation of a regulation, ordinance, code, compilation, and/or statute relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation, ordinance, code, compilation, and/or statute equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor. The notice must set out a copy of the proposed regulations or summarize the content of each proposed regulation; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. For purposes of this subsection, a summary shall mean a brief description which succinctly describes the main points of the proposed regulation. When the county publishes a summary, the publication shall include a statement that the full text of the proposed regulation will be mailed upon request. An inadvertent mistake or omission in publishing the text or a summary of the content of a proposed regulation shall not render the regulation invalid if it is adopted. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as district judges.

NEW SECTION, Sec. 39. The following acts or parts of acts are each repealed:

(1) Section 4, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.09.080;

(2) Section 3, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.36.475; and

(3) Section 5, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.52.015.

NEW SECTION, Sec. 40. Section 12 of this act shall take effect January 1, 1990."

On page 1, line 1 of the title, after "taxation;" strike the remainder of the title and insert "amending RCW 39.88.060, 58.08.040, 79.94.210, 82.03.130, 82.03.190, 84.08.130, 84.09.035, 84.34.065, 84.36.470, 84.36.850, 84.48.065, 84.52.018, 84.52.080, 84.69.020, 84.69.060, 82.32.050, 82.32.060, 82.32.100, 82.32.160, 82.32.180, 82.36.040, 82.48.090, 82.50.170, 84.24.070, 84.68.030, 84.68.050, 84.68.070, 84.68.140, 84.69.030, 84.69.120, 84.69.140, 84.34.108, 84.52.043, 84.64.050, and 36.32.120; reenacting and amending RCW 84.09.030; adding a new section to chapter 84.04 RCW; adding

a new section to chapter 84.56 RCW; repealing RCW 84.09.080, 84.36.475, and 84.52.015; and providing an effective date."

Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Appelwick, Fraser, Grant, Haugen, Morris, Phillips, Rust, H. Sommers and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Brumsickle and Silver.

Absent: Representatives Basich and Fuhrman.

Passed to Committee on Rules for second reading.

April 1, 1989

ESSB 5905 Prime Sponsor, Committee on Energy & Utilities: Modifying building code council authority. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Housing as further amended with the following amendment by Committee on Appropriations:

On page 11, after line 9 of the amendment insert the following:

"NEW SECTION, Sec. 6. The provisions of section 4(1)(c), section 5(4) through 5(5), and section 7, of this 1989 act shall only be effective if section 1, Engrossed House Bill 1768, is enacted."

Signed by Representatives Locke, Chair; H. Sommers, Vice Chair; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Brekke, Bristow, Dorn, Ferguson, Hine, May, McLean, Nealey, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

Voting nay: Representative Brough.

Absent: Representatives Silver, Ranking Republican Member; Braddock, Doty, Ebersole, Holland and Padden.

Passed to Committee on Rules for second reading.

April 1, 1989

ESSB 5911 Prime Sponsor, Committee on Ways & Means: Providing for the sale of state timber. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources & Parks. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Braddock, Bristow, Brough, Dorn, Ebersole, Ferguson, Hine, May, McLean, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Bowman and Nealey.

Voting nay: Representatives Bowman, Bristow, Nealey and Padden.

Absent: Representatives Grant, Vice Chair; Holland and Peery.

Passed to Committee on Rules for second reading.

April 1, 1989

SB 5991 Prime Sponsor, Senator Pullen: Protecting state employees from assaults by juvenile offenders. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Judiciary. Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Bowman, Braddock, Brekke, Bristow, Brough, Dorn, Doty, Ebersole, Ferguson, Hine, Holland, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprengle, Valle, Wang and Wineberry.

Absent: Representatives Belcher and Wineberry.

Passed to Committee on Rules for second reading.

April 1, 1989

SB 5992 Prime Sponsor, Senator Benitz: Requiring the department of agriculture to develop a guide on ethanol and methanol. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendments:
On page 2, beginning on line 1, strike section 5

On page 1, beginning on line 2 of the title, strike "; and making an appropriation"

Signed by Representatives Locke, Chair; Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Bowman, Braddock, Brekke, Brough, Dorn, Doty, Ferguson, Hine, May, McLean, Nealey, Padden, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Voting nay: Representative Belcher.

Absent: Representatives Bristow, Holland and Padden.

Passed to Committee on Rules for second reading.

April 1, 1989

2SSB 6051 Prime Sponsor, Committee on Ways & Means: Promoting employer involvement in the development of child care services and facilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Trade & Economic Development. Signed by Representatives Locke, Chair; Grant, Vice Chair, H. Sommers, Vice Chair; Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Appelwick, Silver, Bowman, Brekke, Bristow, Brough, Dorn, Ferguson, Hine, May, McLean, Nealey, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

Voting nay: Representative Brekke.

Absent: Representatives Braddock, Bristow, Brough, Doty, Ebersole, Holland and Padden.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Heavey, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5097, by Committee on Governmental Operations (originally sponsored by Senators Sutherland, Kreidler and Thorsness; by request of State Military Department)

Regarding the state militia.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Anderson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5097, and the bill passed the House by the following vote: Yeas, 82; absent, 12; excused, 4.

Voting yea: Representatives Anderson, Ballard, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Bristow, Brough, Brumsickle, Chandler, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector,

Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Walker, Wang, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 82.

Absent: Representatives Basich, Brekke, Cantwell, Day, King P, Locke, Meyers R, Sayan, Todd, Vekich, Walk, Wilson K - 12.

Excused: Representatives Appelwick, Brooks, Raiter, Wineberry - 4.

Engrossed Substitute Senate Bill No. 5097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House defer consideration of Substitute Senate Bill No. 5184 and that the bill hold its place on the second reading calendar. The motion was carried.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

Representatives Appelwick, Basich, Brekke, Brooks, Cantwell, Day, P. King, R. Meyers, Sayan, Todd, Vekich, Walk, K. Wilson and Wineberry appeared at the bar of the House.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4656, by Representatives Kremen, Sprenkle, Braddock, Rayburn, Bristow, Spanel, Walker, R. King, Hankins, Appelwick, Silver, Peery, Jacobsen, Wang, Wineberry, O'Brien, Betzoff and H. Sommers

WHEREAS, The State of Washington applauds those teachers who promote and encourage an interest in science by providing quality science experiences for their students; and

WHEREAS, Aki Kurose and Ralph St. Andre have been named to the 1989 National Honor Roll of Science Teachers by the Association of Science-Technology Centers and the Pacific Science Center for their innovative science teaching and exemplary use of science center resources; and

WHEREAS, Aki Kurose is a first-grade teacher at Laurelhurst Elementary School in Seattle who has initiated an after-school science club which now has over forty students as members and who involves students from throughout the school in Pacific Science Center Science Enrichment Programs; and

WHEREAS, Ralph St. Andre is a fifth-grade teacher at Geneva Elementary School in Bellingham who has developed and delivers science programs to schools throughout the Bellingham School District and who organizes the participation by Bellingham schools in Pacific Science Center Education Outreach Programs; and

WHEREAS, Aki Kurose and Ralph St. Andre, along with forty other persons being named to the 1989 National Honor Roll, will be honored in Washington, D.C. this month by the United States House of Representatives' Science, Space and Technology Committee; and

WHEREAS, Twelve thousand science teachers from around the world will convene in Seattle for the National Science Teachers Association annual meeting, April 6 through 9, 1989; and

WHEREAS, The National Science Foundation has declared April 23 through 29, 1989, as National Science and Technology Week to convey the importance of science to the nation; and

WHEREAS, Governor Booth Gardner has proclaimed April 1989 as Science Month in the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend Aki Kurose and Ralph St. Andre for their outstanding efforts as science teachers to utilize science center resources to enhance the science education of their students and for their service as models for other teachers; and

BE IT FURTHER RESOLVED, That the House of Representatives commend the Pacific Science Center for its dedication to providing interactive science, mathematics and technology education to students and teachers throughout the State of Washington; and

BE IT FURTHER RESOLVED, That the House of Representatives urge all citizens to join in the observance of Science Month; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Aki Kurose, Ralph St. Andre and to the Directors of the Association of Science-Technology Centers and the Pacific Science Center.

Mr. Kremen moved adoption of the resolution. Representatives Kremen and Jacobsen spoke in favor of the resolution.

House Floor Resolution No. 89-4656 was adopted.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5184, by Committee on Transportation (originally sponsored by Senators Smitherman, Lee and Talmadge)

Regulating limousine operators.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 73rd Day, March 22, 1989.)

Mr. Walk moved adoption of the committee amendment on page 1, line 19 and spoke in favor of it. The committee amendment was adopted.

Mr. Walk moved adoption of the committee amendments on page 3, following line 14, and on page 7, line 5.

POINT OF ORDER

Mr. R. Meyers: Thank you, Mr. Speaker. I would like to ask the Speaker to rule on the scope and object of this amendment.

SPEAKER'S RULING

The Speaker: Representative Meyers, your point is not well taken.

Mr. Walk spoke in favor of adoption of the committee amendments, and they were adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jones, R. Meyers and Vekich spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5184 as amended by the House, and the bill passed the House by the following vote: Yeas, 88; nays, 7; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Bowman, Brumsickle, McLean, Padden, Schmidt, Silver, Wolfe - 7.

Absent: Representatives Locke, Meyers R - 2.

Excused: Representative Raiter - 1.

Substitute Senate Bill No. 5184 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4657, by Representative Ballard

WHEREAS, Minority newspapers serve more than seven hundred thousand Washington State citizens providing information and news on topics of vital interest to many minority groups across our state; and

WHEREAS, The minority papers cover issues and events of particular interest to their respective readerships in the form of news coverage, editorial comment, community bulletins, advertising and human interest; and

WHEREAS, These newspapers support important community activities, including the arts, politics, volunteer services and economic development; and

WHEREAS, These newspapers may take great pride in keeping their readerships informed and fulfilling faithfully their duty to report the facts fairly and accurately in the sacred American tradition of a free press; and

WHEREAS, Minority newspapers printed in native languages of their readerships serve more than one hundred eighty-three thousand minority Washingtonians; and

WHEREAS, Many minority newspapers are members of The Northwest Minority Publisher's Association, which is a highly respected organization in the publishing industry; and

WHEREAS, Some of the prominent minority publications are The Northwest Dispatch, Thurston County Dispatch, The Seattle Chinese Post, The Filipino American Herald, The Korea Times, Asia Today, Asia Trade Journal, Hispanic News, The Medium, The Western Viking, The Facts, The North American Post, The International Examiner, Las Noticias and Nguoi Viet; and

WHEREAS, Minority newspapers are actively seeking even greater involvement in traditional media circles;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor the minority newspapers for their many years of outstanding service to Washington State minority groups; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Northwest Minority Publisher's Association.

Mr. Ballard moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4657 was adopted.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5208, by Committee on Law & Justice (originally sponsored by Senators Nelson and Talmadge)

Creating the Washington condominium act.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5208, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brække, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean,

Meyers R. Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Raiter - 1.

Substitute Senate Bill No. 5208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5250, by Senators Sutherland and Amondson

Reclaiming land at surface mining sites.

The bill was read the second time and passed to Committee on Rules for third reading.

The Speaker called on Mr. O'Brien to preside.

SUBSTITUTE SENATE BILL NO. 5263, by Committee on Economic Development & Labor (originally sponsored by Senators Warnke, West, McMullen, Bender, Pullen, Bauer, Smitherman and Metcalf)

Providing for arbitration for unilaterally implemented proposals.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cole and Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5263, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Raiter - 1.

Substitute Senate Bill No. 5263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5297, by Committee on Governmental Operations (originally sponsored by Senators DeJarnatt and McCaslin)

Disallowing secret ballot voting at open public meetings.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5297, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick,

Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Raiter - 1.

Substitute Senate Bill No. 5297, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House defer consideration of Substitute Senate Bill No. 5362 and that the bill hold its place on the second reading calendar. The motion was carried.

ENGROSSED SENATE BILL NO. 5370, by Senators Gaspard and Bailey

Regarding school self-study.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. G. Fisher spoke in favor of passage of the bill, and Mr. Betrozoff opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5370, and the bill passed the House by the following vote: Yeas, 54; nays, 43; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Hargrove, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Wang, Wilson K, Wineberry, and Mr. Speaker - 54.

Voting nay: Representatives Ballard, Baugher, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Chandler, Dellwo, Doty, Ferguson, Fuhrman, Grant, Hankins, Haugen, Holland, Horn, Kremen, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rector, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walk, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 43.

Excused: Representative Raiter - 1.

Engrossed Senate Bill No. 5370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House defer consideration of Substitute Senate Bill No. 5561 and Substitute Senate Bill No. 5663 and that the bills hold their places on the second reading calendar. The motion was carried.

SENATE BILL NO. 5668, by Senators Pullen and Talmadge

Providing for venue of juvenile proceedings.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5668, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick,

Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Raiter - 1.

Senate Bill No. 5668, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5771, by Senator Nelson

Clarifying the process for perfecting interests in the assignment of rents.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5771, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Raiter - 1.

Senate Bill No. 5771, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider House Bill No. 1737 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1737, by Representatives H. Sommers, Locke and Appelwick; by request of Department of Labor and Industries

Revising provisions for crime victims' compensation.

The bill was read the second time. On motion of Mr. Grant, Substitute House Bill No. 1737 was substituted for House Bill No. 1737, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1737 was read the second time.

Mr. Fuhrman moved adoption of the following amendment by Representatives Fuhrman and Locke:

On page 9, after line 15, insert the following:

*Sec. 9. Section 1, chapter 32, Laws of 1985 and RCW 82.08.020 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, there is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and there shall be collected a tax on each retail sale of adult entertainment materials and services equal to eighteen percent of the selling price. All of the funds raised under this section shall be dedicated to the crime victims compensation fund established under chapter 7.68 RCW.

(3) The tax imposed under this chapter shall apply to successive retail sales of the same property.

((3)) (4) The rates provided in this section ((applies)) apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 10. Section 82.08.010, chapter 15, Laws of 1961 as last amended by section 3, chapter 38, Laws of 1985 and RCW 82.08.010 are each amended to read as follows:

For the purposes of this chapter:

(1) 'Selling price' means the consideration, whether money, credits, rights, or other property except trade-in property of like kind, expressed in the terms of money paid or delivered by a buyer to a seller without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes other than taxes imposed under this chapter if the seller advertises the price as including the tax or that the seller is paying the tax, or any other expenses whatsoever paid or accrued and without any deduction on account of losses; but shall not include the amount of cash discount actually taken by a buyer; and shall be subject to modification to the extent modification is provided for in RCW 82.08.080.

When tangible personal property is rented or leased under circumstances that the consideration paid does not represent a reasonable rental for the use of the articles so rented or leased, the 'selling price' shall be determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department of revenue may prescribe((:)).

(2) 'Seller' means every person, including the state and its departments and institutions, making sales at retail or retail sales to a buyer or consumer, whether as agent, broker, or principal, except 'seller' does not mean the state and its departments and institutions when making sales to the state and its departments and institutions((:)).

(3) 'Buyer' and 'consumer' include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, municipal corporation, quasi municipal corporation, and also the state, its departments and institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, and also the United States or any instrumentality thereof((:)).

(4) 'Adult entertainment materials and services' means any material or service, including, but not limited to, any writing, book, magazine, illustration, picture, photograph, film, movie, motion picture, videotape or videodisc, audiotape or audiodisc, cable or broadcast television program, telephone service, computer service or program, paraphernalia, performance, act, or other material or service that contains or describes any conduct which is sexually explicit. For purposes of this section, 'sexually explicit' means any conduct described under RCW 9.68A.011(3); PROVIDED, 'Sexually explicit' shall also include the exhibition of the genitals, or unclothed pubic or rectal areas of any person for the purpose of sexual stimulation of the viewer.

(5) The meaning attributed in chapter 82.04 RCW to the terms 'tax year,' 'taxable year,' 'person,' 'company,' 'sale,' 'sale at retail,' 'retail sale,' 'sale at wholesale,' 'wholesale,' 'business,' 'engaging in business,' 'cash discount,' 'successor,' 'consumer,' 'in this state' and 'within this state' shall apply equally to the provisions of this chapter.

Sec. 11. Section 82.12.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 132, Laws of 1985 and by section 1, chapter 222, Laws of 1985 and RCW 82.12.010 are each reenacted and amended to read as follows:

For the purposes of this chapter:

(1) 'Value of the article used' shall mean the consideration, whether money, credit, rights, or other property except trade-in property of like kind, expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the article of tangible personal property, the use of which is taxable under this chapter. The term includes, in addition to the consideration paid or given or contracted to be paid or given, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules and regulations as the department of revenue may prescribe.

In case the articles used are acquired by bailment, the value of the use of the articles so used shall be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules and regulations as the department of revenue may prescribe: PROVIDED, That in case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component of, new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of

the use of such articles so used shall be determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules and regulations as the department of revenue may prescribe.

In the case of articles owned by a user engaged in business outside the state which are brought into the state for no more than ninety days in any period of three hundred sixty-five consecutive days and which are temporarily used for business purposes by the person in this state, the value of the article used shall be an amount representing a reasonable rental for the use of the articles, unless the person has paid tax under this chapter or chapter 82.08 RCW upon the full value of the article used, as defined in the first paragraph of this subsection.

In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used shall be determined according to the value of the ingredients of such articles.

In the case of an article manufactured or produced for purposes of serving as a prototype for the development of a new or improved product, the value of the article used shall be determined by: (a) The retail selling price of such new or improved product when first offered for sale; or (b) the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

(2) 'Value of the service used' shall mean the consideration paid, whether money, credit, rights, or other property, expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the service, the use of which is taxable under this chapter. If the service is received by gift or under conditions wherein the purchase price does not represent the true value of the service, the value of the service used shall be determined as nearly as possible according to the retail selling price at the place of use of similar services of like quality and character under rules prescribed by the department of revenue.

(3) 'Use,' 'used,' 'using,' or 'put to use' shall have their ordinary meaning, and shall mean:

(a) With respect to personal property, the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, or any other act preparatory to subsequent actual use or consumption within this state; and

(b) With respect to an adult entertainment service which affords a benefit or is otherwise capable of use within this state, the use within this state of the service, regardless of the place of performance.

((3)) (4) 'Taxpayer' and 'purchaser' include all persons included within the meaning of the word 'buyer' and the word 'consumer' as defined in chapters 82.04 and 82.08 RCW((:));

((4)) (5) 'Retailer' means every seller as defined in RCW 82.08.010 and every person engaged in the business of selling tangible personal property or adult entertainment services at retail and every person required to collect from purchasers the tax imposed under this chapter((:)).

((5)) (6) The meaning ascribed to words and phrases in chapters 82.04 and 82.08 RCW, insofar as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this chapter. 'Consumer,' in addition to the meaning ascribed to it in chapters 82.04 and 82.08 RCW insofar as applicable, shall also mean any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services. In addition, 'consumer' includes any person who purchases, acquires, or uses any adult entertainment service other than for resale in the regular course of business. Resale of a service means a separately stated charge to another person for the service by a person who has paid or is obligated to pay an identical charge to one who has originally rendered the identical service.

Sec. 12. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 7, chapter 7, Laws of 1983 and RCW 82.12.020 are each amended to read as follows:

There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property or adult entertainment service purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04-.280, subsections (2) or (7). This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property or adult entertainment services of the tax imposed by

chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property or services from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used or the value of the service used by the taxpayer multiplied by the rate in effect for the retail sales tax under RCW 82.08.020, as now or hereafter amended, in the county in which the article or service is used.

Sec. 13. Section 52, chapter 37, Laws of 1980 and RCW 82.12.0252 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of any article of tangible personal property or adult entertainment service purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 or 82.12 RCW and such tax has been paid by the present user or by his bailor or donor; or in respect to the use of property acquired by bailment and such tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 or 82.12 RCW as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and such original bailment was prior to June 9, 1961.

Sec. 14. Section 5, chapter 89, Laws of 1967 ex. sess. as amended by section 2, chapter 27, Laws of 1987 and RCW 82.12.035 are each amended to read as follows:

A credit shall be allowed against the taxes imposed by this chapter upon the use of tangible personal property or adult entertainment services in the state of Washington in the amount that the present user thereof or his or her bailor or donor has paid a retail sales or use tax with respect to such property or service to any other state of the United States, any political subdivision thereof, the District of Columbia, and any foreign country or political subdivision thereof, prior to the use of such property or services in Washington.

Sec. 15. Section 82.12.040, chapter 15, Laws of 1961 as last amended by section 1, chapter 48, Laws of 1986 and RCW 82.12.040 are each amended to read as follows:

(1) Every person who maintains in this state a place of business or a stock of goods, or engages in business activities within this state, shall obtain from the department a certificate of registration, and shall, at the time of making sales, or making transfers of either possession or title or both, of tangible personal property or adult entertainment services for use in this state, collect from the purchasers or transferees the tax imposed under this chapter. For the purposes of this chapter, the phrase 'maintains in this state a place of business' shall include the solicitation of sales and/or taking of orders by sales agents or traveling representatives. For the purposes of this chapter, 'engages in business activity within this state' includes every activity which is sufficient under the Constitution of the United States for this state to require collection of tax under this chapter. The department shall in rules specify activities which constitute engaging in business activity within this state, and shall keep the rules current with future court interpretations of the Constitution of the United States.

(2) Every person who engages in this state in the business of acting as an independent selling agent for persons who do not hold a valid certificate of registration, and who receives compensation by reason of sales of tangible personal property or adult entertainment services of his or her principals ((made)) for use in this state, shall, at the time such sales are made, collect from the purchasers the tax imposed under this chapter, and for that purpose shall be deemed a retailer as defined in this chapter.

(3) The tax required to be collected by this chapter shall be deemed to be held in trust by the retailer until paid to the department and any retailer who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax provided herein to the extent that the money required to be collected is not available for payment on the due date as prescribed shall be guilty of a misdemeanor. In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay the same to the department in the manner prescribed, whether such failure is the result of his or her own acts or the result of acts or conditions beyond his or her control, he or she shall nevertheless, be personally liable to the state for the amount of such tax.

(4) Any retailer who refunds, remits, or rebates to a purchaser, or transferee, either directly or indirectly, and by whatever means, all or any part of the tax levied by this chapter shall be guilty of a misdemeanor.

Sec. 16. Section 82.12.060, chapter 15, Laws of 1961 as last amended by section 54, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.12.060 are each amended to read as follows:

In the case of installment sales and leases of personal property or adult entertainment services, the department, by regulation, may provide for the collection of taxes upon the installments of the purchase price, or amount of rental, as of the time the same fall due.

In the case of property acquired by bailment, the department, by regulation, may provide for payment of the tax due in installments based on the reasonable rental for the property as determined under RCW 82.12.010(1).

Sec. 34. Section 3, chapter 94, Laws of 1970 ex. sess. as last amended by section 31, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.14.020 are each amended to read as follows:

For purposes of this chapter:

(1) A retail sale consisting solely of the sale of tangible personal property shall be deemed to have occurred at the retail outlet at or from which delivery is made to the consumer;

(2) Except as provided in subsection (5) of this section, a retail sale consisting essentially of the performance of personal business or professional services or adult entertainment services shall be deemed to have occurred at the place at which such services were primarily performed;

(3) A retail sale consisting of the rental of tangible personal property shall be deemed to have occurred (a) in the case of a rental involving periodic rental payments, at the primary place of use by the lessee during the period covered by each payment, or (b) in all other cases, at the place of first use by the lessee;

(4) A retail sale within the scope of the second paragraph of RCW 82.04.050, and a retail sale of taxable personal property to be installed by the seller shall be deemed to have occurred at the place where the labor and services involved were primarily performed;

(5) A retail sale consisting of the providing to a consumer of telephone service, as defined in RCW 82.04.065, other than a sale of tangible personal property under subsection (1) of this section or a rental of tangible personal property under subsection (3) of this section, shall be deemed to have occurred at the situs of the telephone or other instrument through which the telephone service is rendered;

(6) 'City' means a city or town;

(7) The meaning ascribed to words and phrases in chapters 82.04, 82.08 and 82.12 RCW, as now or hereafter amended, insofar as applicable, shall have full force and effect with respect to taxes imposed under authority of this chapter;

(8) 'Taxable event' shall mean any retail sale, or any use of an article of tangible personal property, upon which a state tax is imposed pursuant to chapter 82.08 or 82.12 RCW, as they now exist or may hereafter be amended: PROVIDED, HOWEVER, That the term shall not include a retail sale taxable pursuant to RCW 82.08.150, as now or hereafter amended;

(9) 'Treasurer or other legal depository' shall mean the treasurer or legal depository of a county or city."

Renumber following sections consecutively, and correct internal references accordingly.

POINT OF ORDER

Mr. Wang: Thank you, Mr. Speaker. I raise the point of order as to whether or not this amendment falls within the scope and object of the bill.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 2:00 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 2:00 p.m.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 2:45 p.m.

The Speaker (Mr. O'Brien presiding) called the House to order at 2:55 p.m.

MOTION

Mr. Heavey moved that the House defer further consideration of Substitute House Bill No. 1737 and that the bill hold its place on the second reading calendar. The motion was carried.

MOTION

Mr. Heavey moved that the House immediately consider Substitute Senate Bill No. 5041 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5041, by Committee on Health Care & Corrections (originally sponsored by Senators Hayner, Madsen, McCaslin, Thorsness, Smith, Rasmussen, von Reichbauer and Amondson; by request of Department of Corrections)

Permitting department of corrections to monitor inmate telephone calls.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Braddock spoke in favor of passage of the bill, and Mr. Sayan opposed it.

POINT OF INQUIRY

Mr. Braddock yielded to question by Mr. Heavey.

Mr. Heavey: Representative Braddock, if an inmate is calling his attorney, would this conversation be monitored?

Mr. Braddock: The last section on page 2 reads "So as to safeguard the sanctity of the attorney-client privilege, the department of corrections shall not intercept, record, or divulge any conversation between an inmate or resident and an attorney."

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5041, and the bill passed the House by the following vote: Yeas, 83; nays, 13; absent, 1; excused, 1.

Voting yea: Representatives Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Rasmussen, Rayburn, Rector, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Anderson, Belcher, Cole, Hargrove, Heavey, Leonard, Meyers R, Nelson, Pruitt, Rust, Sayan, Vekich, Wineberry - 13.

Absent: Representative Brekke - 1.

Excused: Representative Raiter - 1.

Substitute Senate Bill No. 5041, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) introduced a former member of the House of Representatives, Mr. James E. Watkins, who served from 1941-43. Mr. Watkins was welcomed by the members of the House.

There being no objection, the House advanced to the eighth order of business.

MOTION

On motion of Mr. Heavey, Substitute Senate Bill No. 5903 was referred from Committee on Appropriations to Committee on Rules.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 9:30 a.m., Tuesday, April 4, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, April 4, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Day, Gallagher, Jacobsen, Locke, H. Sommers, Todd and Wang. On motion of Ms. Fraser, Representatives Todd and Wang were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Adam King and Adam Braddock. Prayer was offered by The Reverend Randal Burtis, Minister of the Neighborhood Christian Center of Olympia.

SPEAKER'S PRIVILEGE

The Speaker introduced Miss Danielle Reynaud of Twisp, Washington, who sang "America The Beautiful" for the members of the House of Representatives.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

April 4, 1989

On this day in 1889, near Waterville, a colony of Eastern Washington Indians, practicing Catholics and abstaining from liquor, reported fair yields on corn and melons. And the Washington State Teachers' Association was organized at a general meeting of teachers and superintendents at Olympia. J. H. Morgan of Ellensburg was chosen President and Miss Nettie Moore of Spokane Falls was chosen Secretary.

On April 4, 1958 the heaviest surf ever seen at Grays Harbor lashed the beaches.

MESSAGE FROM THE SENATE

April 3, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5109,
 SECOND SUBSTITUTE SENATE BILL NO. 5269,
 SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404,
 SENATE CONCURRENT RESOLUTION NO. 8411,
 HOUSE BILL NO. 1010,
 HOUSE BILL NO. 1024,
 HOUSE BILL NO. 1038,
 SUBSTITUTE HOUSE BILL NO. 1039,
 ENGROSSED HOUSE BILL NO. 1049,
 SUBSTITUTE HOUSE BILL NO. 1168,
 SUBSTITUTE HOUSE BILL NO. 1169,
 HOUSE BILL NO. 1170,
 SUBSTITUTE HOUSE BILL NO. 1259,
 HOUSE BILL NO. 1289,
 HOUSE BILL NO. 1350.

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2219 by Representative Cole

AN ACT Relating to third-party recoveries for injuries covered by industrial insurance; and amending RCW 51.24.030.

Referred to Committee on Commerce & Labor.

HB 2220 by Representative Cole

AN ACT Relating to recoveries under underinsured motorist coverage for injuries covered by industrial insurance; and amending RCW 51.24.030.

Referred to Committee on Commerce & Labor.

SSB 5109 by Committee on Ways & Means (originally sponsored by Senators Pullen, Talmadge, Nelson, Niemi, Thorsness and Rinehart)

Creating an additional court of appeals position.

Referred to Committee on Appropriations.

2SSB 5269 by Committee on Ways & Means (originally sponsored by Senators Bailey, Rinehart, Anderson, Johnson, Barr, Murray, Metcalf, Craswell, Lee, Hansen, Gaspard, Newhouse, Bender, Fleming, Bauer, Thorsness, Benitz, Smith, Vognild, Stratton, Nelson, Rasmussen, Kreidler, Wojahn, DeJarnatt, Madsen, Talmadge, Saling, McMullen and Sutherland)

Providing for improvements in technology and vocational education.

Referred to Committee on Appropriations.

SSCR 8404 by Committee on Economic Development & Labor (originally sponsored by Senators Anderson, Lee and Saling)

Creating the joint select fair competition review committee.

Referred to Committee on Commerce & Labor.

SCR 8411 by Senators Amondson, Owen, Anderson, Conner, Metcalf, Sutherland, Saling, Patterson and Benitz

Providing assistance to the Washington Logging Show.

Referred to Committee on Rules.

SCR 8412 by Senators Hayner, Sellar, Vognild and Warnke

Creating a committee on the Spanish Quincentennial.

Referred to Committee on Rules.

The Speaker (Mr. O'Brien presiding) referred the bills and resolutions listed on today's introduction sheet under the fourth order of business to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider Senate Bill No. 5046 on the second reading calendar. The motion was carried.

SENATE BILL NO. 5046, by Senators Pullen, Niemi, Talmadge, Lee, Sutherland and von Reichbauer; by request of Statute Law Committee

Eliminating certain gender-specific language.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5046, and the bill passed the House by the following vote: Yeas, 91; absent, 5; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Day, Gallagher, Jacobsen, Locke, Sommers H - 5.

Excused: Representatives Todd, Wang - 2.

Senate Bill No. 5046, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Day appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5099, by Committee on Governmental Operations (originally sponsored by Senators McCaslin, DeJarnatt and von Reichbauer; by request of Washington State Patrol)

Revising provisions for suspension without pay of a state patrol officer.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5099, and the bill passed the House by the following vote: Yeas, 92; absent, 4; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Gallagher, Jacobsen, Locke, Sommers H - 4.

Excused: Representatives Todd, Wang - 2.

Substitute Senate Bill No. 5099, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5126, by Committee on Energy & Utilities (originally sponsored by Senators Benitz, Williams, Bluechel, Owen, Nelson, Stratton, Sutherland and Metcalf)

Amending the provisions for a surveillance fee for low-level radioactive waste disposal.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 64th Day, March 13, 1989.)

Mr. Nelson moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nelson and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5126 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; absent, 4; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprengle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Gallagher, Jacobsen, Locke, Sommers H - 4.

Excused: Representatives Todd, Wang - 2.

Substitute Senate Bill No. 5126 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Gallagher, Jacobsen and H. Sommers appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5138, by Committee on Transportation (originally sponsored by Senators Nelson and Bender)

Specifying inspection fees for vehicles previously registered in other states or countries.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 73rd Day, March 22, 1989.)

Mr. Walk moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Walk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5138 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 3; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Bowman, Myers H, Silver - 3.

Absent: Representative Locke - 1.

Excused: Representatives Todd, Wang - 2.

Substitute Senate Bill No. 5138 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Locke and Todd appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5252, by Committee on Governmental Operations (originally sponsored by Senators McCaslin and DeJarnatt)

Changing provisions relating to expenditures of public money for unfit buildings, dwellings, structures, and premises.

The bill was read the second time. Committee on Housing recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 80th Day, March 29, 1989.)

Ms. Leonard moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Leonard and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5252 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Krømen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Wang - 1.

Substitute Senate Bill No. 5252 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5464, by Senators von Reichbauer, Moore, Johnson, Gaspard and McCaslin

Changing provisions relating to boxing and wrestling.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, March 29, 1989.)

Mr. Anderson moved adoption of the committee amendment.

Mr. Braddock moved adoption of the following amendment to the committee amendment:

On page 1, line 32, strike "don't necessarily strive" and insert "ain't necessarily strivin"

Mr. Braddock spoke in favor of adoption of the amendment to the committee amendment, and Ms. R. Fisher spoke against it. The amendment to the committee amendment was not adopted.

The committee amendment was adopted.

On motion of Ms. R. Fisher, the committee amendment to the title was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5464 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell,

Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Wang - 1.

Substitute Senate Bill No. 5464 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider Substitute Senate Bill No. 5827 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5827, by Committee on Agriculture (originally sponsored by Senators Barr and Moore)

Providing pet identification and certification procedures to minimize theft.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, March 29, 1989.)

Ms. Rayburn moved adoption of the committee amendment.

Mr. Appelwick moved adoption of the following amendment to the committee amendment:

On page 2, beginning on line 22 of the Agriculture Committee striking amendment, strike "class C felony punishable as prescribed under chapter 9A.20 RCW" and insert "gross misdemeanor"

Mr. Appelwick spoke in favor of the amendment to the committee amendment, and it was adopted.

Ms. Rayburn spoke in favor of the committee amendment as amended, and it was adopted.

On motion of Ms. Rayburn, the committee amendment to the title was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5827 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Wang - 1.

Substitute Senate Bill No. 5827 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5871, by Senators Lee and Benitz

Regarding wine retailer's licenses.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 73rd Day, March 22, 1989.)

Mr. Vekich moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Vekich and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5871 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Wang - 1.

Engrossed Senate Bill No. 5871 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5874, by Senators Wojahn, von Reichbauer, Johnson, Madsen, Rasmussen, Gaspard, Smitherman, McCaslin, DeJarnatt, Owen, Thorsness and Sutherland

Providing for a maritime commemorative observance.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5874, and the bill passed the House by the following vote: Yeas, 91; nays, 6; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Beck, Belcher, Horn, Nealey, Sayan, Sommers D - 6.

Excused: Representative Wang - 1.

Senate Bill No. 5874, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 6003, by Committee on Education (originally sponsored by Senators Bailey, Rinehart, Gaspard, Murray, Warnke, Bauer, Patterson and Craswell)

Permitting school and educational service districts to provide employees with postretirement medical benefits for unused sick leave.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives G. Fisher and Brumsickle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6003, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslie, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Wang - 1.

Substitute Senate Bill No. 6003, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider Engrossed Senate Bill No. 6076 on the second reading calendar. The motion was carried.

ENGROSSED SENATE BILL NO. 6076, by Senators Thorsness, Murray, Barr, Stratton, Metcalf, Saling, McCaslin, Madsen, Warnke, Anderson, Amondson and West

Creating motorcycle public awareness program.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, March 29, 1989.)

Mr. Baugher moved adoption of the committee amendment

Mr. P. King moved adoption of the following amendments to the committee amendment:

On page 3, after line 29 of the striking amendment insert the following:

"Sec. 3. Section 2, chapter 344, Laws of 1987 and RCW 19.118.021 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Board' means new motor vehicle arbitration board.

(2) 'Collateral charges' means any sales-related charges including but not limited to sales tax, arbitration service fees, license fees, registration fees, title fees, finance charges, insurance costs, transportation charges, dealer preparation charges, or any other charges for service contracts, undercoating, rustproofing, or factory installed options.

(3) 'Condition' means a general problem that results from a defect or malfunction of one or more parts, or their improper installation by the manufacturer, its agents, or the new motor vehicle dealer.

(4) 'Consumer' means any person who has entered into an agreement or contract for the transfer, lease, or purchase of a new motor vehicle, other than for purposes of resale or sublease, during the duration of the warranty period defined under this section.

(5) 'Court' means the superior court in the county where the consumer resides, except if the consumer does not reside in this state, then the superior court in the county where an arbitration hearing or determination was conducted or made pursuant to this chapter.

(6) 'Incidental costs' means any reasonable expenses incurred by the consumer in connection with the repair of the new motor vehicle, including any towing charges and the costs of obtaining alternative transportation.

(7) 'Manufacturer' means any person engaged in the business of constructing or assembling new motor vehicles or engaged in the business of importing new motor vehicles into the United States for the purpose of selling or distributing new motor vehicles to new motor vehicle dealers. 'Manufacturer' does not include any person engaged in the business of set-up of motorcycles as an agent of a new motor vehicle dealer who does not otherwise construct or assemble motorcycles.

(8) 'Motorcycle' means any motorcycle as defined in RCW 46.04.330 which has an engine displacement of at least seven hundred cubic centimeters.

((+8)) (9) 'New motor vehicle' means any new self-propelled vehicle, including a motorcycle, primarily designed for the transportation of persons or property over the public highways that was leased or purchased in this state and registered in this state, but does not include vehicles purchased or leased by a business as part of a fleet of ten or more vehicles. If the motor vehicle is a motor home, this chapter shall apply to the self-propelled vehicle and chassis, but does not include those portions of the vehicle designated, used, or maintained primarily as a mobile dwelling, office, or commercial space. The term 'new motor vehicle' does not include ~~((motorcycles or))~~ trucks with nineteen thousand pounds or more gross vehicle weight rating. The term 'new motor vehicle' includes a demonstrator or lease-purchase vehicle as long as a manufacturer's warranty was issued as a condition of sale.

((+9)) (10) 'New motor vehicle dealer' means a person who holds a dealer agreement with a manufacturer for the sale of new motor vehicles, who is engaged in the business of purchasing, selling, servicing, exchanging, or dealing in new motor vehicles, and who is licensed as a dealer by the state of Washington.

((+10)) (11) 'Nonconformity' means a defect, serious safety defect, or condition that substantially impairs the use, value, or safety of a new motor vehicle, but does not include a defect or condition that is the result of abuse, neglect, or unauthorized modification or alteration of the new motor vehicle.

((+11)) (12) 'Purchase price' means the cash price of the new motor vehicle appearing in the sales agreement or contract, including any allowance for a trade-in vehicle.

((+12)) (13) 'Reasonable offset for use' means an amount directly attributable to use by the consumer before repurchase or replacement by the manufacturer. The reasonable offset for use for a new motor vehicle other than a motorcycle shall be computed by the number of miles that the vehicle traveled before the manufacturer's acceptance of the vehicle upon repurchase or replacement multiplied by the purchase price, and divided by one hundred thousand. The reasonable offset for use for a motorcycle shall be computed by the number of miles that the vehicle traveled before the manufacturer's acceptance of the vehicle upon repurchase or replacement multiplied by the purchase price, and divided by fifty thousand.

((+13)) (14) 'Reasonable number of attempts' means the definition provided in RCW 19.118.041.

((+14)) (15) 'Replacement motor vehicle' means a new motor vehicle that is identical or reasonably equivalent to the motor vehicle to be replaced, as the motor vehicle to be replaced existed at the time of purchase.

((+15)) (16) 'Serious safety defect' means a life-threatening malfunction or nonconformity that impedes the consumer's ability to control or operate the new motor vehicle for ordinary use or reasonable intended purposes or creates a risk of fire or explosion.

((+16)) (17) 'Substantially impair' means to render the new motor vehicle unreliable, or unsafe for ordinary use, or to diminish the resale value of the new motor vehicle below the average resale value for comparable motor vehicles.

((+17)) (18) 'Warranty' means any implied warranty, any written warranty of the manufacturer, or any affirmation of fact or promise made by the manufacturer in connection with the sale of a new motor vehicle that becomes part of the basis of the bargain. The term 'warranty' pertains to the obligations of the manufacturer in relation to materials, workmanship, and fitness of a new motor vehicle for ordinary use or reasonably intended purposes throughout the duration of the warranty period as defined under this section.

((+18)) (19) 'Warranty period' means the period ending two years after the date of the original delivery to the consumer of a new motor vehicle, or the first twenty-four thousand miles of operation, whichever occurs first."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 3, beginning on line 30 of the striking amendment after "Sec. 3." strike "This act is" and insert "Sections 1 and 2 of this act are"

POINT OF ORDER

Ms. Schmidt: Thank you, Mr. Speaker. I request a scope and object decision on this amendment.

MOTION

Mr. Heavey moved that the House defer further consideration of Engrossed Senate Bill No. 6076 and that the bill hold its place on the second reading calendar. The motion was carried.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4654, by Representatives Jacobsen, Appelwick, Van Luven, Miller and Brekke

WHEREAS, The Early Childhood Home Instruction Program for hearing-impaired infants and their families is recognized nationally as one of the very best early childhood intervention programs in the United States; and

WHEREAS, The Early Childhood Home Instruction Program (ECHI) has made a significant difference in the lives of many hearing-impaired children and their families throughout the State of Washington; and

WHEREAS, The program began in Seattle almost fifteen years ago and serves more than forty families each year in Washington; and

WHEREAS, The program is an educational program which has missions to help parents of deaf infants (to three years) learn to accept their infants' deafness, and to help parents develop their infants' skills, especially language and communication which are most affected by deafness; and

WHEREAS, The program is designed to reduce or prevent the serious delays in academic performance and school failure that are so often experienced by deaf children; and

WHEREAS, The program offers emotional support and stress-reduction skills to families of deaf infants, so as to prevent mistreatment of children; and

WHEREAS, The program provides weekly home visits to families by parent trainers who are specially trained to work with hearing-impaired infants and their families; and

WHEREAS, The program also provides a curriculum and educational environment for parents to help their child learn and provides a classroom every week at the University of Washington for children and their families enrolled in the program; and

WHEREAS, The program coordinates a statewide network of professionals concerned with providing services to young hearing-impaired children; and

WHEREAS, The successful program has expanded to include sites at Bellingham, Spokane, Tacoma, Yakima, Wenatchee, Lacey, Burlington, Bremerton and Snoqualmie; and

WHEREAS, The program serves as a training site for graduate students and teaching assistants from many fields within the University of Washington—Special Education, Educational Psychology, Social Work, Audiology and Speech and Hearing Sciences—who receive valuable experience by working directly with deaf infants and their families;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and pay tribute to Dr. Marie Thompson, who has donated her time in serving as Director of the program, and to a fine staff of professionals associated with the Early Childhood Home Instruction Program for hearing-impaired infants and their families for their significant contribution to the State of Washington and its people; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Dr. Thompson and to each member of the staff of the Early Childhood Home Instruction Program for hearing-impaired infants and their families, and to Dr. William P. Gerberding, President of the University of Washington.

Mr. Jacobsen moved adoption of the resolution. Representatives Jacobsen and Appelwick spoke in favor of the resolution.

House Floor Resolution No. 89-4654 was adopted.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House reverted to the first order of business.

SPEAKER'S PRIVILEGE

The Speaker: This puts us in the right order of business to begin a recognition of some very special guests who are with us today for our House Member Homecoming. We are about to call the roll of former House members. I would request of our guests that, as your name is called, you please come to the center aisle in front of the rostrum and proceed to a seat of your own choosing on the floor. When all former members are seated, we will demonstrate our warmest welcome by applauding them all. The Clerk will call the roll of former members.

ROLL CALL OF FORMER MEMBERS

NAME	YEARS OF SERVICE	DISTRICT	COUNTIES REPRESENTED
Peggy Maxie (D)	1971-82	No. 37	King
John Erak (D)	1977-81	No. 19	Grays Harbor
James Watkins (D)	1940-43	No. 43	King
Jim Boldt (D)	1974-78	No. 8	Benton
Bob Chamberlain (R)	1981-82	No. 17	Clark, Skamania, Klickitat
Francis North (D)	1973-82	No. 47	King
Donald Moos (R)	1959-66	No. 8	Lincoln
Jeri McCormick (D)	1969-82	No. 5	Spokane
Walt O. Knowles (D)	1970-80	No. 4	Spokane
Warren Peterson (R)	1975-76	No. 43	King
Earl Tilly (R)	1973-86	No. 12	Chelan
John Day (D)	1959-60	No. 16	Franklin
Elmer Hyppa (D)	1953-57	No. 25	Pierce
Jack Rogers (D)	1963-66	No. 23	Kitsap
Don Miles (R)	1963-64	No. 22	Thurston
Jim Salatino (D)	1977-82	No. 27	Pierce
Richard Poff (D)	1961-62	No. 47	King
John Fischer (D)	1975-78	No. 21	Snohomish
Mary Lux (D)	1965-68	No. 22	Thurston
Jerry Vrooman (D)	1977-80	No. 40	Skagit
Dick Chapin (R)	1967-72	No. 48	King
Richard Kelley (D)	1973-74	No. 28	Pierce
Paul Shinoda (R)	1977-78	No. 39	Snohomish
Phyllis Erickson (D)	1973-82	No. 2	Pierce
Kathryn Epton (D)	1957-65	No. 4	Spokane
Don Brazier (R)	1967-69	No. 14	Yakima
Art Clemente (D)	1973-78	No. 39	King, Snohomish
Gene Lux (D)	1975-88	No. 11	King
Joan Houchen (R)	1979-82	No. 10	Snohomish
James Leibold (D)	1961-62	No. 16	Franklin
Arnold Wang (R)	1953-66	No. 23	Kitsap
Harry Elway (R)	1953-57	No. 21	Grays Harbor
Joe Taller (R)	1977-81	No. 36	King
Chester Biesen (R)	1927-30	No. 28	Pierce
Ed Henry (D)	1937-40	No. 32	King
Russ Austin (R)	1980	No. 33	King
Robert Randall (D)	1969-76	No. 23	Kitsap
James Andersen (R)	1959-67	No. 48	King
Hugh Kalich (D)	1965-76	No. 20	Lewis
Eleanor Fortson (D)	1973-78	No. 10	Island
Neil Amondson (R)	1987-88	No. 20	Lewis
Pat Wanamaker (R)	1967-72	No. 10	Island, Kitsap
Bob Ford (D)	1941-52	No. 23	Kitsap
Buster Brouillet (D)	1957-72	No. 25	Pierce
Doris Johnson (D)	1965-74	No. 16	Benton
Ron Hanna (D)	1975-78	No. 26	Pierce, Kitsap
Margaret Leonard (R)	1981-82	No. 3	Spokane

A. J. Pardini (R)	1969-78	No. 6	Spokane
Arthur Brown (R)	1969-76	No. 1	King
William Leckenby (R)	1973-78	No. 34	King
Jack Schwartz (R)	1945-46	No. 36	King
Paul Pruitt (D)	1977-84	No. 34	King
Keith Campbell (D)	1957-64	No. 5	Spokane
W.J.S. May (D)	1961-79	No. 3	Spokane
Charles Kilbury (D)	1970-78	No. 16	Franklin
Cathy Pearsall (D)	1977-78	No. 29	Pierce
Hal Zimmerman (R)	1967-80	No. 17	Clark, Skamania, Klickitat
Ron Keller (D)	1977-80	No. 22	Thurston
Ron Dunlap (R)	1975-80	No. 41	King
Lois North (R)	1969-73	No. 44	King
Carol Monohon (D)	1977-84	No. 19	Grays Harbor
C. Newschwander (R)	1961-67	No. 28	Pierce
Jerry Hanna (D)	1955-56	No. 12	Chelan
Damon Canfield (R)	1953-66	No. 15	Benton, Franklin
William Ellis (R)	1979-82	No. 46	King
Delores Teutsch (R)	1979-82	No. 45	King
Andy Hess (D)	1951-56	No. 31	King
Elmer Huntley (R)	1957-65	No. 9	Benton
Ray Olsen (D)	1951-66	No. 35	King
Theodore Turner (R)	1939-44	No. 46	King
Dick Barrett (R)	1981-86	No. 5	Spokane
Dick Barnes (R)	1975-88	No. 33	King

ROLL CALL OF FORMER CHIEF CLERKS

NAME	YEARS OF SERVICE	DISTRICT	COUNTIES REPRESENTED
Dean Foster (D)	1973-80		
Dennis Heck (D) Member	1985-86 1977-85	No. 17	Clark
Vito Chiechi (R)	1979-83		

ROLL CALL OF FORMER SPEAKERS

NAME	YEARS OF SERVICE	DISTRICT	COUNTIES REPRESENTED
Wayne Ehlers (D) Speaker	1973-86 1983-86	No. 2	Pierce
Duane Berentson (R) Speaker	1963-80 1979-80	No. 40	Skagit
Thomas Swayze (R) Speaker	1965-73 1971-72	No. 26	Pierce
Tom Copeland (R) Interim Speaker Speaker Pro Tem	1957-72 1970 1967-72	No. 11	Walla Walla
Don Eldridge (R) Speaker	1953-70 1967-70	No. 40	Whatcom
Charles Hodde (D) Speaker	1937-52 1949-52	No. 2	Stevens
Jack Sylvester (D) Speaker	1937-40 1939-40	No. 37	King

SPEAKER'S PRIVILEGE

The Speaker: I would like to thank all the members and their families for taking the time and joining with us to make this homecoming a very special event. It is a particular thrill for me to be able to put faces with some of the names that have been etched in the institutional memory of this place, to put faces with some of the ideas and with the legacies of the people who have served here with such distinction for so long.

We are often reminded that the Legislature is a changing place. It is much different than the Legislature that many of you left. If you look around, we have beautiful new refurbishings of the Chambers; we have more staff perhaps than you had to work with; we at least all have desks on the floor of the House and offices, which we realize you didn't have. But the job remains the same, and I suspect the people very much remain the same. The faces have changed, but the spirit of people who are willing to give of themselves, to come down here and to take the abuse and the thrills that come with serving in public office, I think, hasn't changed very much.

Welcome. Welcome back. And welcome to all the families that have allowed their spouses to return, at least one more time, to this wonderful institution.

A good part of the thinking that went into the development of this special homecoming day came as a result of the Centennial Year. I would assume that all the former members out there are involved in their local communities in celebrating the Centennial, as we face our second one hundred years. It was with that in mind that we decided to draw together this homecoming. The current members want a chance to meet you, to get acquainted, to hear those stories that you have to tell. So, if there is no objection, the House will advance now to the third order of business for Messages from the Senate, Governor and other State Officials. We will begin with messages from the former Speakers who are here with me on the rostrum.

MESSAGES FROM FORMER SPEAKERS

The Speaker introduced former Speaker Wayne Ehlers, who served as Speaker of the House of Representatives from 1983 to 1986.

Speaker Ehlers: Thank you for the opportunity to be here today. Last time I was here, at the beginning of session, the Speaker heaped some personal abuse on me. There is a great tradition in the Legislature of "not getting mad, just getting even"—of course I never subscribe to that myself. As the Speaker and the distinguished Speakers behind me know, there is nothing in our Constitution nor in our rules which says that a nonmember can't be Speaker.

I don't think there is anybody in this body now, any former member or citizen of the state, who can pull off the highway, as they head north or south, see this Capitol, come into this building or observe this Legislature, without having a thrill. To be a member is a special kind of thrill, which all of us have experienced together. We are here to be honored for deeds done, but truly we, as former members, should be here to honor the rest of you for deeds done and not yet done. There are a lot of them out there, a lot of tasks to address not only this year and next, but also in the future of this state.

We thank you for the opportunity to be here today. I would like to think, as all of us leave this place, that we take one measure of what we did here: Did we give more than we took? I think we all did. Thank you.

The Speaker introduced former Speaker Duane Berentson, who served as Co-Speaker of the House of Representatives with John Bagnariol in 1979 and 1980.

Speaker Berentson: Thank you, Mr. Speaker. I was happy to hear Speaker Ehlers mention highways. I have to tell you a story about Speaker Eldridge behind me; he always referred to me as the "half-Speaker." We served in the same district, the 40th District up north, and I have had to accept that from him.

For those of you who were here when we had the 49-49 tie, you probably wish we were back there. Remember, we could hardly make a mistake. I am sorry to see that Speaker Bagnariol is not here today. I want to tell you a little story about Baggie. If you were here, then you remember that early on we agreed that, if we got snarled up, we would go at ease and figure out how to straighten things up. Most every morning we would either meet in his office or my office and set the agenda for the day. We came out here one morning—I was on the rostrum—and suddenly things weren't going well. We went at ease and back to Speaker Bagnariol's office, and I said, "Baggie, that is not what we agreed to." He said, "I know; I lied." And then we had a laugh, came back and things worked out. For those of you who were here, it wasn't the end of the world—it worked out very well.

I would like to compliment Speaker Ehlers and you, Speaker Joe, for what you have done in allowing all of these people to come back, take a look at each other and remember what happened in the past. I think we are all very pleased that we are able to do this, because the years slip by. I haven't gotten very far from this place, and I would just like to close by encouraging you to keep your big cars and drive a lot. We need the revenue.

The Speaker introduced former Speaker Tom Swayze, who served as Speaker of the House of Representatives during the 1970-72 biennium.

Speaker Swayze: Fame is fleeting. No fame is more fleeting than political fame. It is always a humbling experience in life, when you come back to a place like this a few years after you had been up here and presided over this assemblage, and the Chief Clerk can't even pronounce your name.

I remain in public life, political office so to speak, in a very interesting and challenging job as a trial judge. But I want you members, who are here and are now active members of the Legislature, to know that nothing you will do in life will compare with the uniqueness of this process of government, the blend of different people, philosophies, personalities, not only of the members but also of the staff, the lobbyists, the press, everyone who comes together to contribute to what you do as a final product. This is a circumstance which will be unmatched in anything else in your life. So before your own political fame fleets away, enjoy these moments while you are here. Thank you very much, Speaker King, for putting together this most memorable occasion.

The Speaker introduced former Speaker Tom Copeland, who served as Speaker of the House of Representatives from 1967 to 1972.

Speaker Copeland: Thank you, Mr. Speaker. When I talked to Alan Thompson this morning, he suggested that I make a few remarks about when I first came to the Legislature. At that time John O'Brien was Speaker. Many of you remember him as a very liberal Democrat. I want you to know he was the most conservative Speaker this House has ever seen. There were forty-two Republicans and we shared six stenos in a steno pool. He liberally gave us one hundred pieces of stationery, one hundred envelopes and one hundred first class stamps. And it was heresy to ask for more. There were five telephones—one in the ladies' restroom, one in the Chief Clerk's office, one in the Speaker's office and two in the men's room—and long distance calls were on your own.

I was part of the group that started to make some changes around here. We began to think about moving across the street. At one time I suggested that we take the Secretary of State, the Auditor and the Treasurer and throw them out of the building. Well, Adelle and a few of her friends got a little upset and came to me and said, "What is your authority to throw these state elected officials out of the building?" I thought about it for a little while, and without giving an answer, I took her and some other people in the press corps, walked out through the rotunda and out to the front of the building, pointed up and said, "There's the authority—it says Legislative Building." The Daily Olympian took my picture, pointing to the Legislative Building, and it looked like I was holding up my middle finger. I didn't get that job done, but one thing I did get done—we moved across the street and the building is now named after John. Thank you, Mr. Speaker.

The Speaker introduced former Speaker Don Eldridge, who served as Speaker of the House of Representatives from 1967 to 1970.

Speaker Eldridge: You think we like it up here? You know, it was indicated that I served seventeen years and then I retired due to illness and fatigue—the voters were sick and tired of me. I came from the 40th District before we chopped it up, and I was campaigning up in the eastern part, which is now in the 10th District. I walked up to a door and knocked. An old fellow came out, and I said, "I'm Don Eldridge. I've been in the Legislature for four sessions and I am asking for your vote." He said, "What did you say?" I said, "My name is Don Eldridge, and I'm running for reelection to the Legislature, and I'd like your vote." "Didn't get that." So I gave it to him once more, and he said, "I'm for you, son. That fellow we got down there now ain't worth a darn."

You know, Tom talked about the great job that he and John did in taking over all the buildings and getting us secretaries and staff and staff for staff and all of these good things. As Duane indicated about John Bagnariol, Tom lies a lot, too. But there have been a lot of changes.

A few weeks ago I came over to help dedicate the building across the street to John O'Brien. They said all kinds of things about him--affable, charismatic, a wonderful fellow, tolerant. I don't think most of those people really knew John. I hope that when I get to be eighty years old, maybe they'll put my name on the men's restroom door. John, it's a great tribute.

One of the great changes is in the media. Back thirty years ago we had some tremendous political writers--Ross Cunningham, Stud Nelson, Carl Downing. Who have you got now? Shelby Scates, Mike Layton, Dave Workman--you people are really in trouble.

It's great to be here. Despite what the media says, you're in a tough spot. And with that you've got to work with, you're doing a great job.

The Speaker introduced Speaker Pro Tempore John O'Brien, who served as Speaker of the House of Representatives from 1955 to 1963.

Speaker O'Brien: Mr. Speaker and former Speakers, former members and ladies and gentlemen of the House: It is a great experience to see all of you back here. I could tell you of many experiences I have had with these people sitting behind me. Often I felt that their rulings were totally unfair and they were blinded on one side, particularly when we were trying to rise to a Point of Order. Nevertheless, they served well.

I have had great experiences with most of the people now visiting us. This is a great institution, and, even though we have disagreed at times, we have not been disagreeable. I think that the people who invited you here today did a great thing, because it is good to see you back--many old friends that I have not seen for a long time, and they bring back many memories.

Being a legislator is most interesting, because you don't know what is going to happen. Today I had my picture taken with a wrestler, which was very unusual. Things like that make this place very interesting.

I would like to close with an Irish poem: May the road always rise to meet you; may the wind always be at your back; may the sun shine warmly upon your face, the rain fall softly upon your fields; and until we meet again, may God hold you in the palm of His hand.

The Speaker introduced former Speaker Charlie Hodde, who served as Speaker of the House of Representatives from 1949 to 1952.

Speaker Hodde: There are a couple of stories I'd like to tell you, but what I'm going to tell you is that you shouldn't get too worried about how much time I'm going to take, because in the last two weeks I've developed double vision--there are twice as many of you out there as originally and I can't read my notes, so consequently there won't be very long stories.

I thought you might be interested in how I happened to get into the Legislature. I started walking these halls in 1933--now that's a bit of time ago. This building was practically new. The carpets were new; we didn't even have to argue about getting new carpets. The building was four years old, and we thought it was real nice. During that period when I was coming back and forth down here, I was really lobbying for the Grange. Our big project was the blanket ballot, which has been argued about since. We were able to get the signatures, an initiative to the Legislature--the first one--and the Legislature passed it. It built my political figure up a lot, because the Spokesman Review ran a little story on the front page that said, "Charlie Hodde, King of Lobbyists--he did it." It didn't have to go to the people for a vote. Most people think the people voted that in, but the Legislature passed it.

The funny part of the story is this. Two years later, in 1936, a Democratic member of the Legislature from my district failed to get his filing in on time. It left the Democrats with only one person on the ticket, and there were two Republicans. The County Chairman came to me and said, "Charlie, will you let us put your name on the ballot to fill it out?" I said, "I don't think I really want to, because the Grange is

paying me five dollars a day and expenses and the legislators only get five dollars." Well, he talked me into it. So the biggest supporter of the blanket ballot got nominated by his party and got elected to the Legislature. How's that for getting things really mixed up?

I particularly want to compliment former Speaker Swayze. He is the only Speaker in history, that I know of, who has been able to get elected to another office after he served as Speaker. Now, that's not a warning to you, Joe. Actually, he had to wait until the people had forgotten he was in the Legislature. Most of the rest of us have tried it, but that's all right—it's fun to make a pitch at it.

A remark was made here by Speaker Ehlers about how you don't have to be a member of the Legislature to be Speaker. Nothing in the rules or the Constitution says that you have to be a member. Well, he has probably forgotten this, but when they were having this big squabble about how they were going to settle the 49/49 tie, Representative Berentson came to me—I was lobbying—and said, "Wouldn't you like to be Speaker again? You don't have to be a member." I said, "No thank you. I've had my turn." So they worked out something that I'm sure worked better, because I can't imagine a worse job than being Speaker when you have an even division on the floor. You'd have to decide every single question that came up.

It has been fun to be associated with the Legislature. I do recognize that the problems are greater maybe, in some ways, than when we were here. I am still astonished at the amount of help it really takes to run this place. When I first came here as a member, we had fifteen people in a typing pool, who were mostly wives or cousins of members—incidentally, my sister happened to be one of them, so I'm admitting it wasn't unusual. I dictated letters, sent them in and when they came back, I couldn't tell what it was all about. That's how good our help was, but we got by after a fashion, anyhow.

Good luck to you in all of your problems. I think you still do a pretty good job, even though you don't do everything just like I'd like to have it. Thank you.

The Speaker introduced former Speaker Jack Sylvester, who served as Speaker of the House of Representatives from 1939 to 1940.

Speaker Sylvester: Mr. Speaker, past Speakers and members of the House: Someone asked me the other day how I became Speaker. It was kind of funny. We had seventy-five Democrats and twenty-four Republicans in the Legislature. I ran for Speaker and abstained from voting. Had I voted for myself, I wouldn't have needed a Republican vote. But I abstained from voting, and that meant I only had forty-nine votes, because there were twenty-five against me.

I enjoyed being Speaker. One of the funny things that happened, after I was Speaker, involved John O'Brien. I think I had contributed twenty-five dollars to his campaign. He came into my office and said, "Jack, you have the record of being Speaker during your second session. I'd like to break that. I'd like to be Speaker during my first session." I said, "John, how many people do you know in the Legislature?" He said, "About fourteen or fifteen." I said, "No, don't even run."

We had passed a referendum during session to raise the legislators' salaries. We were getting five dollars a day when we were in session. I went around the state—I wasn't married then and had an old Ford roadster—asking people to bring this up to a vote, because we wanted one hundred dollars a month. I was over in Wapato at a big Grange meeting and the place was packed. I told them that I was the Speaker; I was in Olympia for sixty-three days; I lost nine pounds and had to get new glasses; and I was getting five dollars a day. One guy, a big farmer, said back to me, "Yes, and you're overpaid at that."

Another funny thing happened here in the Legislature: Joe Hurley from Spokane came to me and said, "Jack, I'm going to get heck when I get back to Spokane. I've got a bill here pertaining to court reporters, lawyers and so forth, and the time is past for introducing new bills." I told him to see Ed Reilly, Chairman of the Judiciary Committee, and Si Holcomb, the Chief Clerk, and get a bill that pertained in some way to lawyers. So he did; he got a bill put out. Then I told him to make a motion to amend that bill to put his bill in, but Joe lost his nerve. So up came what was called the "Vic Meyers bill," which would allow anyone who had served two terms in the Legislature to take the bar. I got one of the members from Spokane to get up and move that anyone, who had been in the Legislature for two

terms, could take the medical exam. And that only lost by two votes. When I spoke, I almost blew out the speaker. I opposed the bill, and couldn't believe it, but we passed it. I called the Governor and told him I wanted to talk to him about the bill. We were having a night session and I was told that the Governor wanted to see me over in the mansion about what we called the Vic Meyers bill. So I went right over, and he had the whole cabinet—all his aides—there. I looked at him and said, "Governor, we recently added a year on to law school at the University of Washington. If this bill stands, legislators are going to take the bar and not be able to pass it, and they will do away with the bar association act. Governor, I want you to veto that bill." He said that he had never told anyone ahead of time whether he would pass or veto a bill. I said, "Governor, if you just wait five days, I will not get lawyers from the Bar Association to pressure you. I think in your good judgment, you will veto that bill." I went back that night and couldn't go to sleep. I thought about how I could defeat the Governor on this thing. So the next morning—the sixty-first day—we had to put the Call of the House on to keep the members in session. Ed Reilly came up and I asked him to take the Call of the House off. He said, "Jack, we're not ready to go home. We haven't passed the appropriations bill, supplemental appropriations, or the bill that funds the budget." I said, "Ed, take the Call of the House off." He said, "Jack, some of these guys are mad now and will go home." I said, "You and I are the only two guys on the floor that know that. Take the Call of the House off." Then I went over to the Governor, who had some teachers in with him, and said, "I want to see the Governor right now." He took these people into the next room, and I said, "Governor, I'm sorry; I'm breaking my word. I told you that I wouldn't bring any pressure. Governor, I want you to promise me that you will veto that bill." He looked at me. I said, "Governor, we haven't passed the three bills we came to the Legislature for," and I told him what they were. He was shaking as much as I was. I said, "Governor, I'm going home now and taking the guts of the Legislature with me. You'll have to call a special session, while the session is in session. And you'll never be elected to office in this state again. I'm going home." He said, "Jack, I think you better go back to work." And we did. That's what happened.

I could reminisce about a lot of stories that happened. There are only two people here I recognize—Ed Henry and Charlie Hodde. I'll be eighty next June. Thank you very much. I appreciate it.

The Speaker recognized former member Chester Biesen, who served from 1927 to 1930, the earliest serving member in attendance. Mr. Biesen served his first term in the Old Capitol Building and was a member of the official march to the new and present Capitol Building in 1929. He later served as a lobbyist for the Association of Washington Cities for thirty-six years and retired from a second career when he was eighty-three years old.

Mr. Biesen was welcomed back by the current and former members of the House of Representatives.

The Speaker declared the House to be at ease until 2:00 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 2:00 p.m.

MESSAGE FROM THE SENATE

April 4, 1989

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5014,
 SUBSTITUTE SENATE BILL NO. 5041,
 SUBSTITUTE SENATE BILL NO. 5088,
 SUBSTITUTE SENATE BILL NO. 5097,
 SUBSTITUTE SENATE BILL NO. 5193,
 SUBSTITUTE SENATE BILL NO. 5208,
 SUBSTITUTE SENATE BILL NO. 5263.

SENATE BILL NO. 5277,
 SUBSTITUTE SENATE BILL NO. 5297,
 SENATE BILL NO. 5370,
 SENATE BILL NO. 5668,
 SENATE BILL NO. 5771,
 SENATE BILL NO. 5983.

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

MOTION

Mr. Ebersole moved that the House immediately consider Senate Bill No. 5037 on the second reading calendar. The motion was carried.

SENATE BILL NO. 5037, by Senators von Reichbauer, Moore, Johnson, Stratton, Smitherman and West

Changing the composition of the board of directors of incorporated domestic insurers.

The bill was read the second time.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dellwo and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5037, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insie, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Vaile, Van Luven, Vekich, Walk, Walker, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Wang - 1.

Senate Bill No. 5037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5085, by Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Moore, Smitherman, Rasmussen and Johnson)

Regulating financial planners.

The bill was read the second time.

Mr. Dellwo moved adoption of the following amendment:

On page 2, line 28, after "services is" strike "solely" and insert "society"

Mr. Dellwo spoke in favor of adoption of the amendment, and it was adopted.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dellwo and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5085 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; nays, 3; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn,

Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Nealey, Silver, Winsley - 3.

Excused: Representative Wang - 1.

Substitute Senate Bill No. 5085 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5152, by Senators von Reichbauer and Smitherman

Amending insurance form filing requirements.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dellwo and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5152, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Wang - 1.

Senate Bill No. 5152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5214, by Committee on Children & Family Services (originally sponsored by Senator Smith)

Mandating abuse and neglect reporting.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Scott spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5214, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Wang - 1.

Substitute Senate Bill No. 5214, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider Substitute Senate Bill No. 5266 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5266, by Committee on Education (originally sponsored by Senators Gaspard, Bailey, Rinehart, Lee, Fleming, Johnson, Anderson, Kreidler, Benitz, Talmadge and Bauer)

Providing baccalaureate and masters degree equivalencies for certification of vocational instructors.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Peery and Brumsickle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5266, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Wang - 1.

Substitute Senate Bill No. 5266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House defer consideration of Engrossed Substitute Senate Bill No. 5288 and Engrossed Substitute Senate Bill No. 5314 and that the bills hold their places on the second reading calendar. The motion was carried.

SENATE BILL NO. 5403, by Senators McCaslin, DeJarnatt and Thorsness

Providing for greater cost efficiency in disposing of state surplus property.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 78th Day, March 27, 1989.)

Mr. Anderson moved adoption of the committee amendment. Representatives Anderson and McLean spoke in favor of the committee amendment, and it was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5403 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R,

Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 9.

Voting nay: Representative Nutley - 1.

Excused: Representative Wang - 1.

Senate Bill No. 5403 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

It was my intention to vote "Yes" on the final passage of Senate Bill No. 5403 as amended by the House.

BUSSE NUTLEY, 49th District.

SUBSTITUTE SENATE BILL NO. 5419, by Committee on Environment & Natural Resources (originally sponsored by Senators DeJarnatt, Metcalf and Sutherland)

Allowing Oregon charter boats to fish in Washington waters.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. R. King moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. R. King, the committee amendment to the title was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. R. King spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5419 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Wang - 1.

Substitute Senate Bill No. 5419 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

MOTION

Mr. Heavey moved that the House immediately consider Substitute Senate Bill No. 5221 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5221, by Committee on Higher Education (originally sponsored by Senators Saling, Bauer, Patterson, Rinehart, Smitherman, Bailey, Lee, West and Warnke)

Establishing the advance college payment program.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Jacobsen moved adoption of the committee amendment.

Mr. Heavey moved adoption of the following amendment by Representatives Heavey, Van Luven and Jacobsen to the committee amendment:

On page 1, line 18 of the striking amendment, after "program" insert ". The treasurer shall solicit appropriate rulings from the internal revenue service regarding the tax consequences of any advance college payment program options recommended for the legislature's consideration"

Mr. Heavey spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The committee amendment as amended was adopted.

On motion of Mr. Jacobsen, the committee amendment to the title was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jacobsen, Van Luven and Valle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5221 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Wang - 1.

Substitute Senate Bill No. 5221 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Wang appeared at the bar of the House.

MOTION

Mr. Heavey moved that the House immediately consider Engrossed Substitute Senate Bill No. 5441 on the second reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5441, by Committee on Transportation (originally sponsored by Senators von Reichbauer, Patterson, DeJarnatt, Conner and Hansen; by request of Legislative Transportation Committee)

Licensing commercial drivers.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Baugher moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

Mr. Walk moved adoption of the following amendment by Representatives Walk and Schmidt:

On page 27, line 11, strike all of new section 33.
Renumber the remaining section accordingly.

Mr. Walk spoke in favor of adoption of the amendment, and it was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Baugher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5441 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute Senate Bill No. 5441 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5472, by Committee on Transportation (originally sponsored by Senators Nelson, Bender, Barr and Conner)

Establishing vessel dealer exemptions to chapter 88.02 RCW.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Baugher moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Baugher, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Baugher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5472 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute Senate Bill No. 5472 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5506, by Committee on Ways & Means (originally sponsored by Senators Newhouse, Gaspard, Lee, Benitz and Anderson; by request of Department of Community Development)

Making appropriations for projects recommended by the public works board.

The bill was read the second time. Committee on Capital Facilities & Financing recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Ms. H. Sommers moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

On motion of Ms. H. Sommers, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. H. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5506 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hanksin, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Loven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5506 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5566, by Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Owen and Talmadge; by request of Department of Social and Health Services)

Creating the safe drinking water act.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, March 29, 1989.)

Ms. Rust moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust and D. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5566 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hanksin, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van

Luvén, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Wolfe - 1.

Engrossed Substitute Senate Bill No. 5566 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5580, by Senators McCaslin and DeJarnatt; by request of Office of Financial Management

Allowing write-offs of uncollectible accounts.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Anderson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5580, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvén, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Senate Bill No. 5580, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5617, by Senator Fleming

Encouraging entering teaching as part of the mathematics, engineering, and science achievement program.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Jacobsen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5617, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvén, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Senate Bill No. 5617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5715, by Senators Newhouse, Talmadge, Owen and Benitz; by request of Attorney General

Regulating the business of immigration consulting.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Vekich moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Vekich, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Vekich and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5715 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brunsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tarte, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed Senate Bill No. 5715 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5733, by Committee on Law & Justice (originally sponsored by Senators Nelson, Talmadge and Newhouse)

Modifying the statute pertaining to trademark registration.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Crane and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5733, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brunsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tarte, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5733, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House defer consideration of Substitute Senate Bill No. 5782 and that the bill hold its place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5786, by Committee on Environment & Natural Resources (originally sponsored by Senators Owen and Nelson)

Relocating certain harbor lines.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. K. Wilson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5786, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5786, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5790, by Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Fleming, Johnson, McCaslin and McMullen)

Regulating the sale of loan servicing.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Zellinsky moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Zellinsky, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Zellinsky spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5790 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5790 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5807, by Committee on Law & Justice (originally sponsored by Senators Pullen, Talmadge, Rasmussen, Fleming, Warnke, Metcalf, Newhouse, Niemi and Kreidler)

Protecting Indian and historic graves.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Ms. Haugen.

Ms. Haugen: Representative Appelwick, section 2 of the bill contains prohibitions that make certain activities regarding native Indian burial sites and artifacts illegal. There is, however, an exemption provided so that performance of official law enforcement duties are not covered by these prohibitions. Does this exemption for official law enforcement duties include the official duties of county coroners?

Mr. Appelwick: Yes, Representative Haugen, that exemption for official law enforcement duties includes the official duties of county coroners. County coroners will not be liable under section 2 of the bill for performing their official duties.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Mr. Hargrove.

Mr. Hargrove: Representative Appelwick, does the reference to tribal court in section 3 of the bill expand or alter the jurisdiction of the tribal courts?

Mr. Appelwick: No, the bill does not change the present status of state versus Indian law. If a crime is committed on the reservation, the perpetrator would be brought into the tribal court on that offense and the legislation is not intended to expand the jurisdiction of the tribal courts in any way.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5807, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brække, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Rafter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5807, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5838, by Committee on Agriculture (originally sponsored by Senators Hansen, Benitz and Barr)

Revising agricultural livestock liens.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Rayburn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5838, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute Senate Bill No. 5838, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 9:30 a.m., Wednesday, April 5, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, April 5, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Belcher, Todd and Wang. On motion of Ms. Cole, Representatives Belcher, Todd and Wang were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Danielle Pommer and Geoff Schmidt. Prayer was offered by The Reverend Randal Burtis, Minister of the Neighborhood Christian Center of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

April 5, 1989

On this day in 1889, Dyes Inlet, across the bay from Port Orchard, was selected as the site for a proposed navy yard. The Navy Department in Washington, D.C., still had to approve. Newspapers noted that real estate prices in the vicinity "went up like a rocket." And, the Walla Walla penitentiary's brickyard was producing thirty thousand bricks a day, and the capacity soon would be doubled.

On April 5, 1958 shipping from Washington to Alaska could move more safely up the Inside Passage after the world's largest non-nuclear explosion (1,375 tons) destroyed Ripple Rock, a dangerous mineral formation in the channel.

MESSAGE FROM THE GOVERNOR

April 4, 1989

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 4, 1989, Governor Gardner approved the following House Bills entitled

HOUSE BILL NO. 1138: Relating to honey bees;

HOUSE BILL NO. 1912: Relating to fingerprinting.

Terry Sebring, Counsel.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION AND FIRST READING

HB 2221 by Representatives Braddock, Morris, Appelwick, D. Sommers, Winsley, Sprenkle, R. Fisher, Spanel, Prentice, Kremen, Anderson, Day and Vekich

AN ACT Relating to health; amending RCW 9.02.005, 26.04.165, 26.09.020, 26.09.150, 28B.104.020, 42.48.010, 43.20.025, 43.20.050, 43.20A.010, 43.20A.030, 43.20A.060, 43.20A.360, 43.20A.660, 43.20B.110, 43.21A.170, 43.21A.445, 48.21A.090, 48.42.070, 48.44.320, 48.46.040, 68.50.280, 69.04.915, 71.12.460, 71.12.480, 71.12.485, 71.12.490, 71.12.500, 71.12.520, 71.12.530, 71.12.540, 71.12.640, 70.123.030, 43.20A.600, 43.20A.615, 43.20A.620, 43.20A.625, 43.20A.640, 43.20A.645, 43.20A.650, 43.20A.655, 43.20A.665, 70.37.030, 74.15.060, 74.15.080, 18.120.040, 18.122.010, 18.122.020, 18.122.030, 18.122.050, 18.122.100, 18.122.110, 18.130.020, 18.130.310, 43.24.020, 43.24.086, 19.02.040, 19.02.050, 43.24.015, 18.64.005, 18.64.009, 18.64.011, 18.64.040, 18.64.043, 18.64.044, 18.64.045, 18.64.046, 18.64.047, 18.64.050, 18.64.080, 18.64.140, 18.64A-.010, 18.64A.030, 18.64A.050, 18.64A.060, 69.41.010, 69.41.075, 69.41.220, 69.50.101, 69.50.201.

69.50.301, 69.50.302, 69.50.303, 69.50.304, 69.50.310, 69.50.311, 69.50.500, 69.51.030, 69.51.040, 69.38.060, 69.43.040, 69.43.050, 69.43.090, 69.45.010, 69.45.020, 69.45.030, 69.45.070, 70.39.010, 70.39.020, 70.39.030, 70.39.040, 70.39.100, 70.39.130, 70.39.140, 70.39.150, 43.131.253, 43.131.254, 70.39.170, 70.38.015, 70.38.025, 70.38.105, 70.38.111, 70.38.115, 70.38.125, 70.38.135, 70.41.090, 70.41.170, 74.09.510, 43.17.010, 43.17.020, and 42.17.2401; reenacting and amending RCW 43.20.030, 43.200.040, and 70.39.050; adding a new section to chapter 15.36 RCW; adding a new section to chapter 18.64 RCW; adding a new section to chapter 18.104 RCW; adding a new section to chapter 19.32 RCW; adding a new section to chapter 28A.31 RCW; adding a new section to chapter 43.83B RCW; adding a new section to chapter 43.99D RCW; adding a new section to chapter 43.99E RCW; adding a new section to chapter 70.05 RCW; adding a new section to chapter 70.08 RCW; adding a new section to chapter 70.12 RCW; adding a new section to chapter 70.22 RCW; adding a new section to chapter 70.24 RCW; adding new sections to chapter 70.39 RCW; adding a new section to chapter 70.40 RCW; adding a new section to chapter 70.41 RCW; adding a new section to chapter 70.54 RCW; adding new sections to chapter 74.09 RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 18 RCW; adding a new chapter to Title 70 RCW; creating new sections; recodifying RCW 43.20A.600, 43.20A.615, 43.20A.620, 43.20A.625, 43.20A.640, 43.20A.645, 43.20A.650, 43.20A.655, 43.20A.665, 43.20A.140, and 43.24.072; repealing RCW 70.38.085, 70.38.035, 70.38.045, 70.38.055, 70.38.065, 70.39.070, 70.39.080, 70.39.090, 70.39.160, 18.32.326, 18.34.040, 43.24.075, 70.38.055, 70.38.065, 70.38.145, 18.64.007, 70.38.085, 70.38.035, and 70.38.045; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

The Speaker (Mr. O'Brien presiding) referred the bill listed on today's introduction sheet under the fourth order of business to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

April 3, 1989

HJR 4205 Prime Sponsor, Representative Wang: Modifying the Constitution to allow for tax reform. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Appelwick, Basich, Fraser, Grant, Haugen, Morris, Phillips, Rust and H. Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Brumsickle, Fuhrman, Silver and Van Luven.

Passed to Committee on Rules for second reading.

April 3, 1989

SSB 5948 Prime Sponsor, Committee on Energy & Utilities: Extending the period for conservation investments. Reported by Committee on Revenue

MAJORITY recommendation: Do pass as amended by Committee on Housing as amended with the following amendments by Committee on Revenue:

On page 2, line 25 of the amendment, strike "~~((municipal wastes;))~~" and insert "municipal wastes."

On page 5, line 13 of the amendment, strike "~~((municipal wastes;))~~" and insert "municipal wastes."

Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Appelwick, Basich, Fraser, Fuhrman, Grant, Haugen, Morris, Phillips, Silver, H. Sommers and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representative Rust

Absent: Representatives Appelwick, Brumsickle, Fuhrman and Van Luven.

Passed to Committee on Rules for second reading.

The Speaker (Mr. O'Brien presiding) referred the bill and resolution listed on today's committee reports under the fifth order of business to the committees so designated.

Representative Todd appeared at the bar of the House.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider Senate Bill No. 6012 and Substitute Senate Joint Memorial No. 8001 on the second reading calendar. The motion was carried.

SENATE BILL NO. 6012, by Senator Lee

Permitting the leasing of surplus school property.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, March 29, 1989.)

Mr. G. Fisher moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. G. Fisher, the committee amendment to the title was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives G. Fisher, Betzoff and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6012 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 4; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Harugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Brough, Chandler, Fuhrman, Wilson S - 4.

Excused: Representatives Belcher, Wang - 2.

Senate Bill No. 6012 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8001, by Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Rasmussen, DeJarnatt, Sutherland, Amondson and McMullen)

Requesting that sanctions be brought against foreign nations which harvest Washington state salmon.

The memorial was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Mr. R. King spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Joint Memorial No. 8001, and the memorial passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler,

Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Belcher, Wang - 2.

Substitute Senate Joint Memorial No. 8001, having received the constitutional majority, was declared passed.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

MESSAGE FROM THE SENATE

April 4, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5524,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SPEAKER'S PRIVILEGE

The Speaker invited former Speaker of the House William M. Polk to the rostrum. Speaker Polk briefly addressed the members of the House of Representatives.

SUBSTITUTE SENATE BILL NO. 5066, by Committee on Law & Justice (originally sponsored by Senators Pullen and Rasmussen)

Modifying self-defense requirements.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Crane moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Crane, the committee amendment to the title was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Crane and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5066 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Belcher, Wang - 2.

Substitute Senate Bill No. 5066 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND SUBSTITUTE SENATE BILL NO. 5111, by Committee on Ways & Means (originally sponsored by Senators Pullen, Niemi, Thorsness, McCaslin and Johnson)

Modifying work release provisions.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Braddock moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Braddock, the committee amendment to the title was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5111 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Belcher, Wang - 2.

Second Substitute Senate Bill No. 5111 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5127, by Committee on Governmental Operations (originally sponsored by Senator McCaslin)

Eliminating boundary review boards.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Ms. Haugen moved adoption of the committee amendment. Representatives Haugen and Ferguson spoke in favor of adoption of the committee amendment, and it was adopted.

On motion of Ms. Haugen, the committee amendment to the title was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Haugen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5127 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 4; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Bowman, Sayan, Sprenkle, Wilson K - 4.

Excused: Representatives Belcher, Wang - 2.

Substitute Senate Bill No. 5127 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider Substitute Senate Bill No. 5213 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5213, by Committee on Law & Justice (originally sponsored by Senators Pullen, Moore, Madsen, Nelson, McCaslin, Bluechel, Thorsness and Newhouse)

Extending the statute of limitations on written charge accounts.

The bill was read the second time.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5213, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Morris - 1.

Excused: Representatives Belcher, Wang - 2.

Substitute Senate Bill No. 5213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4663, by Representatives Ballard, Hine, Ebersole, Fuhrman, Brough, Prince, Anderson, Appelwick, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, G. Fisher, R. Fisher, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, Della M. Newman is Ambassador Designate to New Zealand; and

WHEREAS, She is a native of the State of Washington and resides in Seattle; and

WHEREAS, Della has excelled in numerous business affiliations while executing major influential political responsibilities in Washington State and at the national level; and

WHEREAS, In the spirit of service, Della has provided economic education and has shown great interest in Pacific Rim development and foreign trade potential and graciously supports Washington State with community service; and

WHEREAS, Della has proven herself industrious and exceptionally competent in executive diplomacy through careful and tactful treatment of all individuals she encounters; and

WHEREAS, Her kindness, charm and unaffected courtesy have contributed to her success as wife, mother, grandmother, business woman, political activist and now, diplomat;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives hereby recognizes and honors Della M. Newman for her commitment, loyalty and development as a role model for every citizen of this great state, for we are proud to call her our own; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Della M. Newman and her family.

Ms. Hankins moved adoption of the resolution. Representatives Hankins, Beck, Walker, Hine, Silver, Ferguson and Jacobsen spoke in favor of the resolution.

On motion of Mr. Ferguson, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 89-4663 was adopted.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 2:00 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order.

Representative Belcher appeared at the bar of the House.

MOTION

Mr. Heavey moved that the House immediately consider the following bills on the second reading calendar in the following order: Second Substitute Senate Bill No. 5375, Substitute Senate Bill No. 5362, Senate Bill No. 6057, Engrossed Substitute Senate Bill No. 5314, and Senate Bill No. 5987. The motion was carried.

SECOND SUBSTITUTE SENATE BILL NO. 5375, by Committee on Ways & Means (originally sponsored by Senators Pullen, Talmadge, Owen, McMullen, Thorsness, Madsen, Sutherland, Gaspard and Benitz)

Establishing a DNA identification system.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Appropriations without amendments by Committee on Judiciary. (For committee amendments, see Journal, 85th Day, April 3, 1989.)

Mr. Grant moved adoption of the committee amendment by Committee on Appropriations. Representatives Grant and Appelwick spoke in favor of adoption of the committee amendment, and it was adopted.

On motion of Mr. Grant, the committee amendment to the title was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Padden and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5375 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser,

Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Anderson - 1.

Excused: Representative Wang - 1.

Second Substitute Senate Bill No. 5375 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House defer consideration of Substitute Senate Bill No. 5362 and the bill hold its place on the second reading calendar. The motion was carried.

SENATE BILL NO. 6057, by Senators Murray, Bender, Warnke, Owen, McMullen, Williams, Smitherman, Kreidler, Sutherland, Talmadge, Niemi, Fleming, Moore, Lee, Vognild, Rasmussen, Conner, Stratton, Bailey, Gaspard, Hansen, Wojahn, Bauer, Madsen, Metcalf, Rinehart and Johnson

Providing for school services for homeless children.

The bill was read the second time.

Ms. Bowman moved adoption of the following amendment by Representatives Bowman and Betrozoff:

On page 1, after line 12, insert the following:

"(3) When any homeless child placed in the custody of child protective services or who has been declared a ward of the state is transferred to another living situation and school district, the home school district shall, upon request, promptly transfer all school records to the new school district."

Ms. Bowman spoke in favor of adoption of the amendment, and Ms. Leonard opposed it. The amendment was not adopted.

Mr. Hargrove moved adoption of the following amendment by Representatives Hargrove, K. Wilson, Bristow, Leonard, Betrozoff, Brumsickle, Fuhrman and Appelwick:

On page 1, line 12, after "child" insert ": PROVIDED, HOWEVER, That where enrollment is made at the request of the child, the school district shall notify the secretary of the department of social and health services for a determination of whether the child is subject to and eligible for services under Chapter 13.34 RCW, Chapter 13.32A RCW, or Chapter 26.44 RCW"

Mr. Hargrove spoke in favor of adoption of the amendment, and Ms. Leonard spoke against it.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Representatives Crane, Betrozoff and K. Wilson spoke in favor of adoption of the amendment, and Mr. G. Fisher opposed it. Mr. Hargrove again spoke in favor of the amendment.

Representatives Walker, Brumsickle, Horn and Padden spoke in favor of the amendment, and Representatives Day, Cole, Dorn and Heavey spoke against it.

POINT OF ORDER

Ms. Brough: Thank you, Mr. Speaker. As a member who sits across this aisle, I am quite honestly very tired of hearing what is alive and dead because we are considering a policy decision on the floor of this House. I take offense to such a comment.

SPEAKER'S RULING

The Speaker (Mr. O'Brien presiding): Reed's Rules 224, "References to Another Legislative Branch," states "it is not permissible to allude to the action of the other house of a legislature, or to refer to a debate there. Such conduct might lead to misunderstanding and ill-will between two bodies which cooperate in order to

properly serve the people. So, also, the action of the other body should not be referred to to influence the body the member is addressing." I think we should be very careful about making references to the other body, and the other body should be careful about making references to us. So, hold your comments to the merits or demerits of the amendment.

Mr. Heavey concluded his remarks against adoption of the amendment.

Mr. Crane demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Hargrove and others to Senate Bill No. 6057, and the amendment was not adopted by the following vote: Yeas, 45; nays, 52; excused, 1.

Voting yea: Representatives Ballard, Basich, Baugher, Beck, Betrozoff, Bowman, Bristow, Brooks, Brough, Brumsickle, Chandler, Crane, Doty, Ferguson, Fuhrman, Gallagher, Hankins, Hargrove, Holland, Horn, King P, Kremen, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sayan, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman - 45.

Voting nay: Representatives Anderson, Appelwick, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King R, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Walk, Wineberry, Zellinsky, and Mr. Speaker - 52.

Excused: Representative Wang - 1.

Mr. Speaker was excused.

Ms. K. Wilson moved adoption of the following amendment by Representatives K. Wilson, Morris, Walker, Betrozoff, Haugen, Crane and Padden:

On page 1, line 12, before "parent" strike "child or"

Representatives K. Wilson, Betrozoff, Crane, Hargrove, Miller, Morris and Horn spoke in favor of adoption of the amendment, and Representatives Peery, Pruitt, Dorn and Cole spoke against it. Ms. K. Wilson again spoke in favor of the amendment.

Mr. Basich demanded the previous question, and the demand was sustained.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be adoption of the amendment by Representative K. Wilson and others to Senate Bill No. 6057.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 44; Nays - 53. The amendment was not adopted.

The bill was passed to Committee on Rules for third reading.

MOTIONS

Mr. Heavey moved that the House defer consideration of Engrossed Substitute Senate Bill No. 5314 and the bill hold its place on the second reading calendar. The motion was carried.

Mr. Heavey moved that the House immediately consider Substitute Senate Bill No. 5362 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5362, by Committee on Health Care & Corrections (originally sponsored by Senators West, Talmadge, Niemi, Smith, Johnson, Kreidler, Wojahn and Anderson)

Regulating the administration of antipsychotic medications.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 78th Day, March 27, 1989.)

Mr. Bristow moved adoption of the committee amendment.

Mr. Hargrove moved adoption of the following amendment by Representatives Hargrove, Heavey, Cole, Wineberry, Vekich and Padden to the committee amendment:

On page 17, beginning on line 36, strike "are not available, have not been successful, or are not likely to be effective" and insert "have been attempted and not found to be effective in protecting the safety of the person or others"

Mr. Hargrove spoke in favor of adoption of the amendment to the committee amendment, and Representatives Brekke, Moyer, Raiter and Bristow opposed it. The amendment to the committee amendment was not adopted.

The committee amendment was adopted.

On motion of Mr. Bristow, the committee amendment to the title was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Brekke and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5362 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Baillard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 94.

Voting nay: Representatives Hargrove, Phillips - 2.

Excused: Representatives Wang, and Mr. Speaker - 2.

Substitute Senate Bill No. 5362 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5314, by Committee on Education (originally sponsored by Senators Bailey, Craswell, Thorsness, Lee, Anderson, Nelson, Benitz, Bauer, Rasmussen and Smith)

Prohibiting persons convicted of sex crimes or other crimes affecting children from working in the public schools.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Peery moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Peery, the committee amendment to the title was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5314 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Baillard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van

Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 96.

Excused: Representatives Wang, and Mr. Speaker - 2.

Engrossed Substitute Senate Bill No. 5314 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING OF BILL

SSB 5524 by Committee on Ways & Means (originally sponsored by Senators Bailey, Rinehart, Lee, Gaspard, Smith, Bluechel, Johnson, Barr, Amondson, Pullen, Nelson, Moore, Craswell, Sellar, Anderson, West, Rasmussen, Metcalf, Fleming, Benitz, Patterson, Newhouse, Murray, Stratton, Bauer, Vognild, Warnke, Wojahn, Kreidler, McMullen, Smitherman, Williams, DeJarnatt, McCaslin and Thorsness; by request of Superintendent of Public Instruction)

Providing local education enhancement program funds.

Referred to Committee on Education.

The Speaker (Mr. O'Brien presiding) referred the bill listed on today's supplemental introduction sheet under the fourth order of business to the committee so designated.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 9:30 a.m., Thursday, April 6, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, April 6, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Basich, Belcher, Bristow, Gallagher, Locke, Vekich and Wineberry. On motion of Mr. Dorn, Representatives Appelwick and Wineberry were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Mikel Costello and Seth King. Prayer was offered by The Reverend Randal Burtis, Minister of the Neighborhood Christian Center of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

April 6, 1989

On this day in 1889, near the Columbia River, reports said that cattle raisers had poisoned several hundred sheep and swore that no sheep could summer on their range. Such reports were sometimes false rumors, but the battles between sheep owners and cattle owners for access to grass were very real. And a new Postmaster assumed office in Ellensburg, appointed by the new national administration of Benjamin Harrison. Postmasters were significant patronage posts.

On April 6, 1937 Grays Harbor's last two veterans of the Civil War, Amos Berry and Thomas Boyles, were honored.

On April 6, 1941 the last operating streetcar in Seattle made its final run

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

April 3, 1989

HB 1195 Prime Sponsor, Representative Wang: Providing major tax reform.
Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Pruitt, Vice Chair; Appelwick, Basich, Fraser, Grant, Haugen, Morris, Phillips, Rust and H. Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Holland, Ranking Republican Member; Horn, Assistant Ranking Republican Member; Brumsickle, Fuhrman, Silver and Van Luven.

Passed to Committee on Rules for second reading.

April 4, 1989

HB 1512 Prime Sponsor, Representative H. Sommers: Making appropriations for capital projects for the 1987-89 biennium. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Beck, Betrozoff, Bowman, Braddock, Bristow, Fraser, Jacobsen, Peery and Winsley.

Absent: Representatives Schoon, Ranking Republican Member; Jacobsen and Wang.

Passed to Committee on Rules for second reading.

The Speaker (Mr. O'Brien presiding) referred the bills listed on today's committee reports under the fifth order of business to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider Senate Bill No. 5987 on the second reading calendar. The motion was carried.

SENATE BILL NO. 5987, by Senators Benitz and Williams

Allowing use of alternative fuels.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 75th Day, March 24, 1989.)

Mr. Nelson moved adoption of the committee amendment. Representatives Nelson and Hankins spoke against the committee amendment, and it was not adopted.

Mr. Nelson moved adoption of the following amendment by Representatives Nelson and Hankins:

On page 2, after line 1, insert:

"(c) For planned purchases of vehicles using alternate fuels, the department and other state agencies shall explore opportunities to purchase these vehicles together with the federal government, agencies of other states, other Washington state agencies, local governments, or private organizations for less cost."

Representatives Nelson and Hankins spoke in favor of adoption of the amendment, and it was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nelson, Hankins and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5987 as amended by the House, and the bill passed the House by the following vote: Yeas, 90; absent, 6; excused, 2.

Voting yea: Representatives Anderson, Ballard, Baugher, Beck, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Basich, Belcher, Bristow, Gallagher, Locke, Vekich - 6.

Excused: Representatives Appelwick, Wineberry - 2.

Senate Bill No. 5987 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eighth order of business.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 89-4661, by Representatives Leonard, Holland, Prentice and Cole

WHEREAS, Beth Slingerland, an internationally-known educator in the field of Dyslexia or Specific Language Disability, died on March 22, 1989 in Seattle, Washington at the age of 89; and

WHEREAS, Beth Slingerland worked as a classroom teacher in Renton, Washington and coordinated the Specific Language Disability Program there from 1944 until 1965; and

WHEREAS, Beth Slingerland developed a classroom adaptation of the Orton-Gillingham approach for remediating dyslexic children and devoted herself to helping such children; and

WHEREAS, The Slingerland Approach has been used in hundreds of schools across the country and has benefited thousands of dyslexic children; and

WHEREAS, From 1977 until recently, Beth Slingerland served as trustee and advisor to the Slingerland Institute, which is headquartered in Bellevue, Washington; and

WHEREAS, The Slingerland Institute trains approximately six hundred teachers each year in fifteen states and Canada, and Slingerland training was offered in Australia for the first time in 1989; and

WHEREAS, Beth Slingerland authored many books, texts and articles in the field of Dyslexia and developed many beneficial screening tests for children; and

WHEREAS, Beth Slingerland stated in a brief autobiography, "Over the years, I have received much support for what I have worked to accomplish, but along the way I had good training in learning how to withstand opposition and even denial of the existence of a cause and a purpose of search because it was unknown. I came to believe that such criticism was not directed so much at me as at what was unknown. . .";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the memory of Beth Slingerland for her dedication and commitment to studying and treating Dyslexia; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to John Slingerland, Beth Slingerland's husband, and to the Slingerland Institute.

Ms. Leonard moved adoption of the resolution. Representatives Leonard, Prentice, Cole, Holland and K. Wilson spoke in favor of the resolution.

House Floor Resolution No. 89-4661 was adopted.

HOUSE FLOOR RESOLUTION NO. 89-4662, by Representatives Crane, Todd, Holland, Patrick, Schoon, Brough, Leonard, Hine, G. Fisher, Prentice, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, R. Fisher, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Horn, Inslee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprengle, Tate, Valle, Van Luvan, Vekich, Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, The citizens of Washington are celebrating the one hundredth birthday of this great state; and

WHEREAS, The Kent Recorder was first published on May 11, 1889; and

WHEREAS, In 1890 the name was changed to The Kent Advertiser; and

WHEREAS, On August 14, 1890 the name was changed to White River Journal; and

WHEREAS, On January 1, 1913 the name was changed to The Kent Journal; and

WHEREAS, On February 18, 1918 The Kent Journal consolidated with The Kent Advertiser to become the Kent Advertiser-Journal; and

WHEREAS, On December 13, 1935 The Kent Advertiser-Journal consolidated with the Kent Valley News to become the Kent News Journal; and

WHEREAS, On April 16, 1979 the name changed to the Daily News Journal, and the newspaper became a six day-a-week publication; and

WHEREAS, On October 1, 1986 the name changed to the Kent News Journal Edition of the Valley Daily News;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the outstanding achievements and the prolonged longevity of the Kent News Journal Edition of the Valley Daily News; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Mayor of Auburn, the City Council of Auburn, and to the business office of the Kent News Journal Edition of the Valley Daily News.

Mr. Crane moved adoption of the resolution. Representatives Crane, Patrick, Todd, Prentice, Schoon and S. Wilson spoke in favor of the resolution.

The Speaker (Mr. O'Brien presiding) ordered the names of all members of the House of Representatives added as sponsors of the resolution.

House Floor Resolution No. 89-4662 was adopted.

HOUSE FLOOR RESOLUTION NO. 89-4651, by Representatives Crane, Todd, Schoon, Holland, Patrick and Brough

WHEREAS, The citizens of Washington are celebrating the one-hundredth birthday of this great state; and

WHEREAS, On March 21 of 1889, King County's first newspaper outside of the City of Seattle, The Slaughter Sun, was created; and

WHEREAS, In 1893, the offended residents of the town of Slaughter petitioned the Legislature to change the town's name to Auburn; and

WHEREAS, In 1893, The Slaughter Sun was renamed The Auburn Argus and then named The Auburn Globe in 1913; and

WHEREAS, In 1916, The Auburn Globe and The Auburn Republican merged to form The Auburn Globe Republican; and

WHEREAS, In 1943, The Auburn Globe Republican merged with The Auburn News to form The Auburn Globe News; and

WHEREAS, In 1979, The Auburn Globe News changed to The Daily Globe News; and

WHEREAS, The Daily Globe News, now a part of The Valley Daily News since 1986, will be celebrating one-hundred years of journalistic excellence on March 21, 1989;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the outstanding achievements and the prolonged longevity of The Daily Globe News; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Mayor of Auburn, to the City Council of Auburn and to the business office of The Daily Globe News.

Mr. Crane moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4651 was adopted.

Representatives Appelwick, Basich, Belcher, Bristow, Gallagher and Vekich appeared at the bar of the House.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider Substitute Senate Bill No. 5782 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5782, by Committee on Energy & Utilities (originally sponsored by Senators Benitz, Hansen, Barr and Newhouse)

Establishing criminal penalties for defrauding a public utility.

The bill was read the second time.

Mr. Hargrove moved adoption of the following amendments:

On page 2, line 24, strike "two hundred fifty" and insert "five hundred"

On page 2, line 29, strike "two hundred fifty" and insert "five hundred"

Mr. Hargrove spoke in favor of adoption of the amendments, and they were adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Appelwick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5782 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Locke - 1.

Excused: Representative Wineberry - 1.

Substitute Senate Bill No. 5782 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider Substitute Senate Bill No. 5886 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5886, by Committee on Health Care & Corrections (originally sponsored by Senator West)

Modifying confidentiality standards for information regarding sexually transmitted diseases.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Braddock moved adoption of the committee amendment. Representatives Braddock and Brooks spoke in favor of the committee amendment, and it was adopted.

On motion of Mr. Braddock, the committee amendment to the title was adopted.

On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Brooks and Wolfe spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5886 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Locke - 1.

Excused: Representative Wineberry - 1.

Substitute Senate Bill No. 5886 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

Representative Locke appeared at the bar of the House.

MOTION

Mr. Heavey moved that the House immediately consider the following bills on the second reading calendar in the following order: Engrossed Senate Bill No. 5156, Substitute Senate Bill No. 5168, Engrossed Substitute Senate Bill No. 5275, Substitute Senate Bill No. 5481, Engrossed Substitute Senate Bill No. 5531, Engrossed Senate Bill No. 5597, Engrossed Substitute Senate Bill No. 5713, Substitute Senate Bill No. 5746, Engrossed Senate Bill No. 5809, and Substitute Senate Bill No. 5009. The motion was carried.

ENGROSSED SENATE BILL NO. 5156, by Senators Thorsness, Warnke, McDonald, Cantu, Rasmussen, Metcalf, von Reichbauer, Gaspard and Barr

Providing for the Cedar river sockeye salmon enhancement program.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers and May spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5156, and the bill passed the House by the following vote: Yeas, 95; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Rayburn, Sayan - 2.

Excused: Representative Wineberry - 1.

Engrossed Senate Bill No. 5156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5168, by Committee on Governmental Operations (originally sponsored by Senators Bluechel, DeJarnatt, Sellar, Vognild, Cantu, Kreidler, Sutherland, Thorsness, Smitherman and Lee; by request of Washington State Library).

Authorizing the state library commission to move the western library network to private nonprofit status.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson, McLean and H. Sommers spoke in favor of passage of the bill, and Ms. Silver spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5168, and the bill passed the House by the following vote: Yeas, 93; nays, 2; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Silver, Wolfe - 2.

Absent: Representatives Basich, Moyer - 2.

Excused: Representative Wineberry - 1.

Substitute Senate Bill No. 5168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5275, by Committee on Energy & Utilities (originally sponsored by Senators Lee and Talmadge)

Regulating high voltage fields.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 75th Day, March 24, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Energy & Utilities and as amended by Committee on Appropriations. (For committee amendments, see Journal, 85th Day, April 3, 1989.)

On motion of Mr. Nelson, the committee amendment by Committee on Energy & Utilities was adopted.

Mr. Grant moved adoption of the committee amendment by Committee on Appropriations and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Grant, the committee amendment by Committee on Appropriations to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Hine and Wolfe spoke in favor of passage of the bill, and Mr. May spoke against it.

The Speaker called on Mr. O'Brien to preside.

Mr. S. Wilson spoke against the bill, and Mr. Nelson spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5275 as amended by the House, and the bill passed the House by the following vote: Yeas, 77; nays, 20; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wolfe, Wood, Zellinsky, and Mr. Speaker - 77.

Voting nay: Representatives Ballard, Baugher, Beck, Betzoff, Bowman, Brooks, Brumsickle, Chandler, Horn, Jesernig, May, McLean, Raiter, Schoon, Silver, Smith, Wang, Wilson S, Winsley, Youngsman - 20.

Excused: Representative Wineberry - 1.

Engrossed Substitute Senate Bill No. 5275 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5481, by Committee on Health Care & Corrections (originally sponsored by Senators West, Wojahn, Sellar and Vognlid)

Including education and prevention services in the impaired physician program.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, March 29, 1989.)

Mr. Day moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Day, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Day and Wolfe spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5481 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Wineberry - 1.

Substitute Senate Bill No. 5481 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Wineberry appeared at the bar of the House.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5531, by Committee on Ways & Means (originally sponsored by Senators Gaspard and Bailey)

Revising provisions for the award for excellence in education program.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives G. Fisher and Brumsickle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5531, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute Senate Bill No. 5531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House defer consideration of Engrossed Senate Bill No. 5597 and that the bill hold its place on the second reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5713, by Committee on Health Care & Corrections (originally sponsored by Senators West, Kreidler and Wojahn; by request of Department of Social and Health Services)

Providing for licensure of medical test sites.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Commerce & Labor as amended by Committee on Appropriations. (For committee amendment, see Journal, 85th Day, April 3, 1989.)

Ms. Cole moved adoption of the committee amendment by Committee on Commerce & Labor.

Mr. Grant moved adoption of the committee amendment by Committee on Appropriations to the committee amendment by Committee on Commerce & Labor and spoke in favor of it. The committee amendment to the committee amendment was adopted.

Ms. Cole spoke in favor of the committee amendment by Commerce & Labor as amended, and it was adopted.

On motion of Mr. Grant, the committee amendment by Committee on Commerce & Labor to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Patrick and Wolfe spoke in favor of passage of the bill, and Ms. Brough opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5713 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brække, Bristow, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Brough - 1.

Engrossed Substitute Senate Bill No. 5713 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 5, 1989

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5169,
 SUBSTITUTE SENATE BILL NO. 5691,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5729,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 1:30 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 1:30 p.m.

MOTION

On motion of Mr. Heavey, Representative Sayan was excused.

SUBSTITUTE SENATE BILL NO. 5746, by Committee on Transportation (originally sponsored by Senators Sellar, Smith, Owen and Matson)

Exempting interstate truck drivers from overtime wage requirements.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Ms. Cole moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cole and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5746 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Sayan - 1.

Substitute Senate Bill No. 5746 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Heavey, Mr. Speaker was excused.

Representative Sayan appeared at the bar of the House.

ENGROSSED SENATE BILL NO. 5809, by Senator Amondson

Regarding shopping center directional signs.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Baugher moved adoption of the committee amendments and spoke in favor of them.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

The committee amendments by Committee on Transportation were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Baugher, Schmidt, Bowman, Brough, Heavey and Ferguson spoke in favor of passage of the bill, and Representatives Cole and R. Fisher opposed it. Mr. Baugher again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5809 as amended by the House, and the bill passed the House by the following vote: Yeas, 84; nays, 13; excused, 1.

Voting yea: Representatives Appelwick, Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Braddock, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insløe, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 84.

Voting nay: Representatives Anderson, Belcher, Brekke, Cole, Dorn, Fisher G, Fisher R, King P, Patrick, Phillips, Rust, Valle, Wang - 13.

Excused: Mr. Speaker - 1.

Engrossed Senate Bill No. 5809 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5009, by Committee on Transportation (originally sponsored by Senator Anderson)

Amending the list of vessels not required to be registered under chapter 88.02 RCW.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, March 29, 1989.) Committee on Revenue recommendation: Majority, do pass as amended by Committee on Transportation.

Mr. Walk moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Walk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5009 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insløe, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Substitute Senate Bill No. 5009 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider the following bills on the second reading calendar in the following order: Engrossed Senate Bill No. 5440, Substitute Senate Bill No. 5891, Senate Bill No. 5966, and Engrossed Senate Bill No. 5597. The motion was carried.

ENGROSSED SENATE BILL NO. 5440, by Senators von Reichbauer, Bender, Paterson, DeJarnatt, Conner and Hansen; by request of Legislative Transportation Committee

Regulating tow trucks.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Walk moved adoption of the committee amendment.

Mr. Patrick moved adoption of the following amendments by Representatives Patrick and Walk to the committee amendment:

On page 1, line 15 of the amendment, after "(2)" strike everything through "auction." on line 18 and insert "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned."

On page 10, line 23 of the amendment, after "(2)" strike everything through "(4)" on page 11, line 9 and insert "The operator shall immediately send an abandoned vehicle report to the department for any vehicle in the operator's possession after the ninety-six hour abandonment period. Such report need not be sent when the impoundment is pursuant to a writ, court order, or police hold. The owner notification and abandonment process shall be initiated by the registered tow truck operator immediately following notification by a court or law enforcement officer that the writ, court order, or police hold is no longer in effect.

(3) Following the submittal of an abandoned vehicle report, the department shall provide the registered tow truck operator with owner information within seventy-two hours.

(4) Within fifteen days of the sale of an abandoned vehicle at public auction, the towing operator shall send a copy of the abandoned vehicle report showing the disposition of the abandoned vehicle to the crime information center of the Washington state patrol.

(5) If the operator sends an abandoned vehicle report to the department and the department finds no owner information, an operator may proceed with an inspection of the vehicle to determine whether owner identification is within the vehicle.

(6)

On page 11, line 26 of the amendment, after "impound" strike everything through "file" on line 29

On page 11, line 36 of the amendment, after "within" strike everything through "agency." on page 12, line 3 and insert "twenty-four hours after receiving information on the vehicle owners from the department through the abandoned vehicle report."

On page 16, line 32 of the amendment, after "of" strike everything through "sale" on line 34 and insert "receipt of the information by the operator from the department"

On page 18, line 16 of the amendment, after "the" strike everything through "operator." on line 18 and insert "abandoned vehicle report that was sent to and returned by the department."

Mr. Patrick spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Nelson moved adoption of the following amendments by Representatives Nelson, Heavey, D. Sommers and Walk to the committee amendment:

On page 6, after line 5 of the amendment, insert the following:

NEW SECTION. Sec. 4. A new section is added to chapter 46.55 RCW to read as follows:

(1) No registered tow truck operator may:

(a) Ask for or receive any compensation, gratuity, reward, or promise thereof from a person having control or possession of private property or from an agent of the person authorized to sign an impound authorization, for or on account of the impounding of a vehicle;

(b) Be beneficially interested in a contract, agreement, or understanding that may be made by or between a person having control or possession of private property and an agent of the person authorized to sign an impound authorization;

(c) Have a financial, equitable, or ownership interest in a firm, partnership, association, or corporation whose functions include acting as an agent or a representative of a property owner for the purpose of signing impound authorizations.

(2) This section does not prohibit the registered tow truck operator from collecting the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing of an impounded vehicle as provide by RCW 46.55.120.

(3) A violation of this section is a gross misdemeanor."

Renumber the sections following consecutively and correct internal references accordingly.

On page 22, after line 22 of the amendment, insert the following:

"Sec. 18. Section 3, chapter 186, Laws of 1986 as amended by section 2, chapter 181, Laws of 1987, by section 55, chapter 244, Laws of 1987, by section 6, chapter 247, Laws of 1987 and by section 11, chapter 388, Laws of 1987 and RCW 46.63.020 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

~~((8) RCW 46.16.011 relating to permitting unauthorized persons to drive;))~~

(9) RCW 46.16.381(8) relating to unauthorized acquisition of a special decal, license plate, or card for disabled persons' parking;

(10) RCW 46.20.021 relating to driving without a valid driver's license;

(11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(12) RCW 46.20.342 relating to driving with a suspended or revoked license;

(13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(14) RCW 46.20.416 relating to driving while in a suspended or revoked status;

(15) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(16) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

(17) Chapter 46.29 RCW relating to financial responsibility;

(18) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(19) RCW 46.48.175 relating to the transportation of dangerous articles;

(20) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(21) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(22) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(23) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

(24) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(25) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

~~(26) Section 4 of this act relating to prohibited practices by tow truck operators;~~

~~(27) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;~~

~~((27))~~ (28) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~((28))~~ (29) RCW 46.61.022 relating to failure to stop and give identification to an officer;

~~((29))~~ (30) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~((30))~~ (31) RCW 46.61.500 relating to reckless driving;

~~((31))~~ (32) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((32))~~ (33) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((33))~~ (34) RCW 46.61.522 relating to vehicular assault;

~~((34))~~ (35) RCW 46.61.525 relating to negligent driving;

~~((35))~~ (36) RCW 46.61.530 relating to racing of vehicles on highways;

~~((36))~~ (37) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((37))~~ (38) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((38))~~ (39) RCW 46.64.020 relating to nonappearance after a written promise;

~~((39))~~ (40) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((40))~~ (41) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((41))~~ (42) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((42))~~ (43) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((43))~~ (44) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((44))~~ (45) Chapter 46.82 RCW relating to driver's training schools;

~~((45))~~ (46) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

~~((46))~~ (47) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW."

Renumber the sections following consecutively and correct internal references accordingly.

Mr. Nelson spoke in favor of adoption of the amendments to the committee amendment.

MOTION

Mr. Heavey moved that the House defer further consideration of Engrossed Senate Bill No. 5440 and that the bill hold its place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5891, by Committee on Agriculture (originally sponsored by Senators Barr, Williams, Benitz, Lee, Madsen and Bauer)

Revising provisions on water resource policy.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, March 31, 1989.)

Ms. K. Wilson moved adoption of the committee amendment. Ms. K. Wilson spoke in favor of the committee amendment, and Representatives Rayburn, Smith, Baugher, Hargrove and Nealey spoke against it.

MOTION

Mr. Heavey moved that the House defer further consideration of Substitute House Bill No. 5891 and that the bill hold its place on the second reading calendar. The motion was carried.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) introduced Mr. Art Fletcher, Chairman-designee of the United States Civil Rights Commission, who was seated in the gallery. Mr. Fletcher was welcomed by the members of the House of Representatives.

MOTION

Mr. Heavey moved that the House immediately consider Engrossed Senate Bill No. 5597 on the second reading calendar. The motion was carried.

ENGROSSED SENATE BILL NO. 5597, by Senators Nelson, West, Newhouse, Smith, Conner, Wojahn and Niemi

Limiting pharmacists' liability.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Crane moved adoption of the committee amendment.

Mr. Inslee moved adoption of the following amendments by Representatives Inslee, Moyer and R. Meyers to the committee amendment:

On page 1, line 35 of the striking amendment after "identifies the" strike everything through "product" on page 2, line 2 and insert "manufacturer or manufacturers, the distributor, or the retailer from which the pharmacist obtained the product"

On page 3, beginning on line 20 of the striking amendment strike everything through "product" on page 3, line 21 and insert "manufacturer or manufacturers, the distributor, or the retailer from which the pharmacist obtained the product"

Representatives Inslee, Crane and Moyer spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Inslee moved adoption of the following amendment by Representatives Inslee, Appelwick and Padden to the committee amendment:

On page 4, line 2 of the Judiciary Committee amendment after "7.72.040(3)" insert "and section 1(3) of this act"

Mr. Inslee spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Crane spoke in favor of adoption of the committee amendment as amended, and it was adopted.

On motion of Mr. Crane, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5597 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Loven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Engrossed Senate Bill No. 5597 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider Second Substitute Senate Bill No. 5011 on the second reading calendar. The motion was carried.

SECOND SUBSTITUTE SENATE BILL NO. 5011, by Committee on Ways & Means (originally sponsored by Senators Newhouse, Matson, Sutherland, Bauer, Talmadge, Benitz, West and Rasmussen)

Providing for allocation of assets of an institutionalized spouse.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Health Care.

Mr. Braddock moved adoption of the committee amendment. Representatives Braddock and Brooks spoke in favor of the committee amendment, and it was adopted.

On motion of Mr. Braddock, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Braddock spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5011 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Second Substitute Senate Bill No. 5011 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I wish to change my "Yes" vote to "No" because Second Substitute Senate Bill No. 5011 as amended by the House does not meet the needs of older people.

JOHN A. MOYER, 6th District.

ENGROSSED SENATE BILL NO. 5040, by Senators Pullen, Talmadge, Niemi, Nelson, Thorsness, McCaslin, Madsen, Lee and Rasmussen; by request of Department of Corrections

Changing the elements of the crime of introducing contraband in the first degree.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5040, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Engrossed Senate Bill No. 5040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5054, by Senators Rinehart, Bailey and Niemi

Establishing the Washington state minority teacher recruitment program.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives G. Fisher and Brumsickle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5054, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Senate Bill No. 5054, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5108, by Committee on Children & Family Services (originally sponsored by Senators Saling, Bailey, Lee, Thorsness and Anderson)

Regarding visitation between an abused child and the abuser.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Crane moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Crane, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Crane and Leonard spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5108 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Substitute Senate Bill No. 5108 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5137, by Senators Johnson, Rasmussen, Smitherman, Nelson, von Reichbauer, Saling, Niemi, Moore, Hayner, Vognild, Warnke and Lee; by request of Joint Committee on Pension Policy

Allowing school nurses to transfer their retirement accounts from city retirement systems to the state teachers' retirement system.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5137, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Vaile, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Senate Bill No. 5137, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5150, by Senators Bender, Thorsness, Kreidler, Conner and Talmadge

Declaring prisoner of war recognition day.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Anderson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5150, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Vaile, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Senate Bill No. 5150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5151, by Committee on Environment & Natural Resources (originally sponsored by Senators Wojahn, Rasmussen, Metcalf, Bauer, Vognild, Warnke and Moore)

Extending senior citizen state park passes.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 80th Day, March 29, 1989.)

Ms. K. Wilson moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives K. Wilson and Beck spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5151 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Rafter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Substitute Senate Bill No. 5151 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Heavey, Representative Sayan was excused.

MOTION

Mr. Heavey moved that the House immediately consider the following bills on the second reading calendar in the following order: Senate Joint Resolution No. 8201, Engrossed Senate Bill No. 5440, Substitute Senate Bill No. 5891, and Substitute Senate Bill No. 5418. The motion was carried.

SENATE JOINT RESOLUTION NO. 8201, by Senators Anderson, Vognild, Cantu, Conner and Johnson

Amending the Constitution to allow leases of up to fifty-five years for wharves, docks, and other structures within harbors.

The resolution was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 80th Day, March 29, 1989.)

Ms. K. Wilson moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

The resolution was passed to Committee on Rules for third reading.

ENGROSSED SENATE BILL NO. 5440, by Senators von Reichbauer, Bender, Patterson, DeJarnatt, Conner and Hansen; by request of Legislative Transportation Committee

Regulating tow trucks.

The House resumed consideration of Engrossed Senate Bill No. 5440 on the second reading calendar.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be adoption of the amendments by Representative Nelson and others to the committee amendment by Committee on Transportation.

Mr. Nelson again spoke in favor of adoption of the amendments, and they were adopted.

Mr. Walk moved adoption of the following amendment by Representatives Walk and Schmidt to the committee amendment:

On page 22, after line 22 of the amendment, insert the following:

NEW SECTION, Sec. 19. The department of licensing and the Washington state patrol shall conduct a study of the fees charged for registration of tow truck operators and tow trucks and the costs of administering the tow truck operator program in the department and the Washington state patrol to determine what fees would be necessary to defray the program costs. The department and the state patrol shall report the study findings to the legislative transportation committee by December 1, 1989."

Renumber the sections following consecutively, and correct internal references accordingly.

Mr. Walk spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The committee amendment as amended was adopted.

With consent of the House, the following amendments to the committee amendment to the title were adopted:

On page 23, line 4 of the title amendment, after "46.55.010" insert "and 46.63.020"

On page 23, line 4 of the title amendment, after 46.55 RCW;" insert "creating a new section;"

With consent of the House, the committee amendment as amended to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Walk spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Heavey yielded to question by Mr. Nelson.

Mr. Nelson: Representative Heavey, is the language in this bill, which prohibits the association of a tow truck operator and a person or company that authorizes impound, strong enough to rectify the problem of the people who spot cars for tow truck companies and sign for the impounds? This is a major problem around the University of Washington.

Mr. Heavey: Representative Nelson, I believe the language we have in this bill leaves it to the discretion of the court to judge whether the relationship between the tow truck company and another company is legal. I also believe the courts are in a better position to judge the fairness of the relationship with the broader language currently in the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5440 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 96.

Excused: Representatives Sayan, and Mr. Speaker - 2.

Engrossed Senate Bill No. 5440 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5891, by Committee on Agriculture (originally sponsored by Senators Barr, Williams, Benitz, Lee, Madsen and Bauer)

Revising provisions on water resource policy.

The House resumed consideration of Substitute Senate Bill No. 5891 on the second reading calendar.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be adoption of the amendment by Committee on Natural Resources & Parks.

Ms. K. Wilson again spoke in favor of adoption of the amendment, and Representatives R. Fisher and Belcher spoke in favor of it. Representatives Rayburn,

Hargrove and Smith again spoke against the amendment, and Representatives Beck, Wolfe and Prentice opposed it.

Mr. May demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the committee amendment by Committee on Natural Resources & Parks to Substitute Senate Bill No. 5891, and the amendment was not adopted by the following vote: Yeas, 26; nays, 70; excused, 2.

Voting yea: Representatives Appelwick, Basich, Belcher, Cantwell, Cole, Dellwo, Ebersole, Fisher R, Fraser, Hine, Jacobsen, King P, King R, Locke, Nelson, Phillips, Raiter, Rector, Rust, Scott, Sommers H, Sprenkle, Todd, Vekich, Wang, Wilson K - 26.

Voting nay: Representatives Anderson, Ballard, Baugher, Beck, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Chandler, Cooper, Crane, Day, Dorn, Doty, Ferguson, Fisher G, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Horn, Insee, Jesernig, Jones, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D, Spanel, Tate, Valle, Van Luven, Walk, Walker, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 70.

Excused: Representatives Sayan, and Mr. Speaker - 2.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives K. Wilson, Beck and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5891, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 96.

Excused: Representatives Sayan, and Mr. Speaker - 2.

Substitute Senate Bill No. 5891, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5418, by Committee on Ways & Means (originally sponsored by Senators Johnson, Moore, Nelson, Hayner, Bailey, Lee, Metcalf and Talmadge; by request of Joint Committee on Pension Policy)

Altering pension funding.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 3, 1989.)

Ms. H. Sommers moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Hine and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5418 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell,

Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 96.

Excused: Representatives Sayan, and Mr. Speaker - 2.

Substitute Senate Bill No. 5418 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider the following bills on the second reading calendar in the following order: Engrossed Senate Bill No. 5185, Senate Bill No. 5353, Substitute Senate Bill No. 5488, Senate Bill No. 5502, Engrossed Senate Bill No. 5536, and Engrossed Senate Bill No. 5590. The motion was carried.

ENGROSSED SENATE BILL NO. 5185, by Senators Wojahn, Lee, Rasmussen, Madsen, Gaspard, Smitherman, Niemi and Vognild

Establishing a family day care center as a residential use for zoning purposes.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Ms. Nutley moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Ms. Nutley, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Nutley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5185 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumstickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 96.

Excused: Representatives Sayan, and Mr. Speaker - 2.

Engrossed Senate Bill No. 5185 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5353, by Senators Johnson, Pullen, Vognild, von Reichbauer, Matson, West, Warnke, Gaspard, Bailey, Moore, Rasmussen, Madsen, Wojahn, Nelson, Lee, Kreidler, Conner, Thorsness, Owen, Metcalf, Stratton, Smitherman, Williams, McMullen, McCaslin, Saling, Newhouse, Hansen, Anderson, Talmadge and Sutherland

Revising provisions for continued service credit for disabled law enforcement officers and fire fighters.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5353, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 96.

Excused: Representatives Sayan, and Mr. Speaker - 2.

Senate Bill No. 5353, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5488, by Committee on Agriculture (originally sponsored by Senators Barr, Hansen, Bauer, Conner, Sellar, DeJarnatt, Owen, Metcalf, Sutherland, Bailey, Gaspard, Madsen, Newhouse, Hayner, Rinehart, Smitherman, Benitz, Amondson, Anderson and Matson)

Changing penalties and procedures for theft of livestock.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Crane and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5488, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 96.

Excused: Representatives Sayan, and Mr. Speaker - 2.

Substitute Senate Bill No. 5488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5502, by Senators Amondson, Kreidler, Smith and Owen

Revising advertising and sale requirements for valuable materials.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives K. Wilson and Beck spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5502, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 96.

Excused: Representatives Sayan, and Mr. Speaker - 2.

Senate Bill No. 5502, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5536, by Senators McCaslin, DeJarnatt, McDonald, Bailey, Gaspard, Wojahn, West, Rasmussen, Warnke, Nelson, Vognild, Johnson, Kreidler, Pullen, Moore, Thorsness, Smith, Hansen, Conner, Saling, Sellar, Madsen, Talmadge, Fleming, Smitherman, Bender, Owen, McMullen, Sutherland and Bauer

Revising provisions for the state employees' benefits board.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Anderson moved adoption of the committee amendment.

POINT OF ORDER

Mr. Padden: I would like a ruling on scope and object, Mr. Speaker.

With consent of the House, Mr. Padden withdrew his Point of Order.

Mr. Anderson spoke in favor of the committee amendment, and it was adopted.

On motion of Mr. Anderson, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5536 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 96.

Excused: Representatives Sayan, and Mr. Speaker - 2.

Engrossed Senate Bill No. 5536 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Heavey, the House recessed until 6:00 p.m.

EVENING SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 6:00 p.m. The Clerk called the roll and all members were present except Representatives Gallagher, Prince, Rasmussen, H. Sommers, Spanel, Todd, Walk and Zellinsky. On motion of Mr. Dorn, Representatives Rasmussen, Spanel, Todd and Zellinsky were excused. On motion of Ms. Bowman, Representative Prince was excused.

MOTION

Mr. Ebersole moved that the House immediately consider the following bills on the second reading calendar in the following order: Engrossed Senate Bill No. 5590, Substitute Senate Bill No. 5663, Senate Bill No. 5579, Substitute Senate Bill No. 5614, Substitute Senate Bill No. 5641, and Second Substitute Senate Bill No. 5660. The motion was carried.

Representative Spanel appeared at the bar of the House.

ENGROSSED SENATE BILL NO. 5590, by Senators Conner, Johnson, Newhouse, Rasmussen, Hansen and von Reichbauer

Making changes to the firefighters relief and pension fund.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Hine and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5590, and the bill passed the House by the following vote: Yeas, 91; absent, 3; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brunsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Deilwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 91.

Absent: Representatives Gallagher, Sommers H, Walk - 3.

Excused: Representatives Prince, Rasmussen, Todd, Zellinsky - 4.

Engrossed Senate Bill No. 5590, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Rasmussen appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5663, by Committee on Governmental Operations (originally sponsored by Senators McCaslin, DeJarnatt, Thorsness, Newhouse and Vogndild)

Authorizing counties to defend county officials in recall actions.

The bill was read the second time.

Mr. Cooper moved adoption of the following amendment by Representatives Haugen and Ferguson:

On page 1, after line 26 insert:

*NEW SECTION. Sec. 2. A new section is added to chapter 35.21 RCW to read as follows:

The necessary expenses of defending an elective city or town official in a judicial hearing to determine the sufficiency of a recall charge as provided in RCW 29.82.023 shall be paid by the city or town if the official requests such defense and approval is granted by the city or town

council. The expenses paid by the city or town may include costs associated with an appeal of the decision rendered by the superior court concerning the sufficiency of the recall charge."

Representatives Cooper and Ferguson spoke in favor of adoption of the amendment, and it was adopted.

On motion of Mr. Cooper, the following amendment to the title was adopted:

On page 1, beginning on line 1 of the title strike "and amending RCW 36.16.134" and insert "amending RCW 36.16.134; and adding a new section to chapter 35.21 RCW"

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cooper and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5663 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; absent, 2; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 93.

Absent: Representatives Gallagher, Sommers H - 2.

Excused: Representatives Prince, Todd, Zellinsky - 3.

Substitute Senate Bill No. 5663 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative H. Sommers appeared at the bar of the House.

SENATE BILL NO. 5579, by Senators McCaslin, Lee, DeJarnatt and Rasmussen; by request of Office of Financial Management

Authorizing state agencies to report past due accounts receivable to credit reporting agencies.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 78th Day, March 27, 1989.)

Mr. Anderson moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Anderson, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5579 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; nays, 1; absent, 1; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 93.

Voting nay: Representative Valle - 1.

Absent: Representative Gallagher - 1.

Excused: Representatives Prince, Todd, Zellinsky - 3.

Senate Bill No. 5579 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5614, by Committee on Health Care & Corrections (originally sponsored by Senators West, Johnson and Wojahn)

Monitoring a substance abuse program for dentists.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, March 29, 1989.)

Mr. Day moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Day, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Day and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5614 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; absent, 1; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 94.

Absent: Representative Gallagher - 1.

Excused: Representatives Prince, Todd, Zellinsky - 3.

Substitute Senate Bill No. 5614 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Gallagher and Prince appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5641, by Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer and Moore)

Setting service charge limits on vessel retail installment contracts.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Dellwo spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5641, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt,

Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 96.

Excused: Representatives Todd, Zellinsky - 2.

Substitute Senate Bill No. 5641, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND SUBSTITUTE SENATE BILL NO. 5660, by Committee on Ways & Means (originally sponsored by Senators Niemi, Smith and Murray)

Regarding child care resource and referral.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Moyer and Scott spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5660, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 95.

Voting nay: Representative Fuhrman - 1.

Excused: Representatives Todd, Zellinsky - 2.

Second Substitute Senate Bill No. 5660, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HJM 4022 by Representatives Cole, Belcher, Wood, Rust, Brumsickle, Leonard, Nutley, Spanel, Basich, Fraser, Dorn, Todd, Anderson, Kremen, Brough and K. Wilson

Expressing concern for the recent grounding of the oil tanker Exxon Valdez.

Referred to Committee on Environmental Affairs.

ESB 5169 by Senators Smith and Stratton; by request of Department of Social and Health Services

Providing for revenue collection by the department of social and health services.

Referred to Committee on Revenue.

SSB 5691 by Committee on Way & Means (originally sponsored by Senators McDonald and Owen; by request of Department of Social and Health Services)

Changing provisions relating to eligibility for general assistance unemployable.

Referred to Committee on Appropriations.

ESSB 5729 by Committee on Ways & Means (originally sponsored by Senators McDonald, Warnke, Anderson and Hayner; by request of Department of Labor and Industries)

Revising provisions for crime victims' compensation.

Referred to Committee on Appropriations.

MOTION

On motion of Mr. Heavey, the bills and memorial listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider the following bills on the second reading calendar in the following order: Engrossed Substitute Senate Bill No. 5933, Senate Bill No. 5966, Substitute Senate Bill No. 5686, Senate Bill No. 5731, Engrossed Substitute Senate Bill No. 5759, Engrossed Senate Bill No. 5824, Engrossed Senate Bill No. 5833, Substitute Senate Bill No. 5866, and House Bill No. 1802. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5933, by Committee on Economic Development & Labor (originally sponsored by Senators Williams and Murray)

Establishing an annual leave sharing program for state employees.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Anderson moved adoption of the committee amendment.

Ms. Rector moved adoption of the following amendments by Representatives Rector, Sayan, R. Fisher, Ballard, Moyer and Dellwo to the committee amendment:

On page 4, line 23 of the State Government Committee amendment after "agency," insert "However, leave transferred to or from employees of school districts or educational service districts is limited to transfers to or from employees within the same employing district."

On page 6, line 29 of the State Government Committee amendment after "leave" strike all material down to and including "section 2" on line 30 and insert "in accordance with section 4 (5)"

On page 7, line 6 of the State Government Committee amendment after "superintendent" strike all material down to and including "program," on line 27 and insert "may, in accordance with sections 1 through 4 of this act, establish and administer an annual leave sharing program for its certificated and noncertificated employees. For employees of school districts and educational service districts, the superintendent of public instruction shall adopt standards: (1) Establishing appropriate parameters for the program which are consistent with the provisions of sections 1 through 4 of this act; and (2) establishing procedures to ensure that the program does not significantly increase the cost of providing annual leave."

Renumber the remaining subsection consecutively.

Representatives Rector and Moyer spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Ms. Silver moved adoption of the following amendment by Representatives Silver, Rector and Dellwo to the committee amendment:

On page 6, line 36 of the State Government Committee amendment after "program" insert "and providing for maintenance and collection of sufficient information on the program to allow a thorough legislative review"

Ms. Silver spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The committee amendment as amended was adopted.

On motion of Mr. Anderson, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson, McLean and Baugher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5933 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 96.

Excused: Representatives Todd, Zellinsky - 2.

Engrossed Substitute Senate Bill No. 5933 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5966, by Senators Rinehart, Murray, Smitherman and McMullen

Providing the same family leave for adoptive parents as for birth parents.

The bill was read the second time.

Ms. Walker moved adoption of the following amendments by Representatives Walker, Patrick, Smith and Wolfe:

On page 1, beginning on line 6 after "adoptive parents," strike "foster parents."

On page 1, beginning on line 10 after "adoptive parents," strike "foster parent."

On page 1, beginning on line 21 after "adoptive parents," strike "foster parents."

On page 1, line 25 after "adoptive parent," strike "foster parent."

Ms. Walker spoke in favor of adoption of the amendments, and Ms. Leonard opposed them.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Representatives Patrick, Moyer and Wolfe spoke in favor of the amendments, and Representatives Vekich and Cole spoke against them. Ms. Walker again spoke in favor of the amendments.

MOTION

Mr. Ebersole moved that the House defer further consideration of Senate Bill No. 5966 and that the bill hold its place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5686, by Committee on Agriculture (originally sponsored by Senators Barr, Hansen, Newhouse, Bailey, Anderson and Gaspard)

Making major changes to agriculture statutes.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Ms. Rayburn moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Ms. Rayburn, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5686 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 96.

Excused: Representatives Todd, Zellinsky - 2.

Substitute Senate Bill No. 5686 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5731, by Senators von Reichbauer and Moore

Allowing investment in government obligations.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dellwo and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5731, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 96.

Excused: Representatives Todd, Zellinsky - 2.

Senate Bill No. 5731, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House defer consideration of Engrossed Substitute Senate Bill No. 5759 and that the bill hold its place on the second reading calendar. The motion was carried.

ENGROSSED SENATE BILL NO. 5824, by Senators Johnson and McMullen

Revising the provision for payment of certain health care services.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dellwo and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5824, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 94.

Voting nay: Representatives Miller, Patrick - 2.

Excused: Representatives Todd, Zellinsky - 2.

Engrossed Senate Bill No. 5824, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5833, by Senators Pullen, Talmadge, Madsen, Thorsness, Niemi and Nelson

Amending the disposition and sentencing standards for juvenile offenders.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 78th Day, March 27, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Judiciary.

Mr. Appelwick moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Appelwick, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5833 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 96.

Excused: Representatives Todd, Zellinsky - 2.

Engrossed Senate Bill No. 5833 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House defer consideration of Substitute Senate Bill No. 5866 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1802, by Representatives P. King and Scott

Creating a new court of appeals position for Snohomish county.

The bill was read the second time.

Mr. R. Meyers moved adoption of the following amendment by Representatives R. Meyers, Appelwick, P. King, May and Ferguson:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** The legislature recognizes the dramatic increase in cases filed in superior court over the last six years in King, Pierce, and Snohomish counties. This increase has created a need for more superior court judges in those counties.

The increased caseload at the superior court level has also caused a similar increase in the case and petition filings in the court of appeals. Currently, the additional caseload is being handled by pro tempore judges and excessive caseloads for permanent judges. The addition of a permanent full-time judge will allow the court to more efficiently process the growing caseload.

By the creation of these additional positions, it is the intent of the legislature to promote the careful judicial review of cases by an elected judiciary.

Sec. 2. Section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 323, Laws of 1987 and RCW 2.08.061 are each amended to read as follows:

There shall be in the county of King no more than forty-six judges of the superior court; in the county of Spokane ten judges of the superior court; and in the county of Pierce (~~(fifteen))~~ nineteen judges of the superior court.

Sec. 3. Section 6, chapter 125, Laws of 1951 as last amended by section 3, chapter 357, Laws of 1985 and RCW 2.08.064 are each amended to read as follows:

There shall be in the counties of Benton and Franklin jointly, five judges of the superior court; in the county of Clallam, two judges of the superior court; in the county of Jefferson, one judge of the superior court; in the county of Snohomish, (~~(nine))~~ eleven judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cowlitz, three judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court.

Sec. 4. Section 1, chapter 126, Laws of 1913 as last amended by section 3, chapter 66, Laws of 1988 and RCW 2.32.180 are each amended to read as follows:

It shall be and is the duty of each and every superior court judge in counties or judicial districts in the state of Washington having a population of over thirty-five thousand inhabitants to appoint, or said judge may, in any county or judicial district having a population of over twenty-five thousand and less than thirty-five thousand, appoint a stenographic reporter to be attached to the court holden by him who shall have had at least three years' experience as a skilled, practical reporter, or who upon examination shall be able to report and transcribe accurately one hundred and seventy-five words per minute of the judge's charge or two hundred words per minute of testimony each for five consecutive minutes; said test of proficiency, in event of inability to meet qualifications as to length of time of experience, to be given by an examining committee composed of one judge of the superior court and two official reporters of the superior court of the state of Washington, appointed by the president judge of the superior court judges association of the state of Washington: PROVIDED, That a stenographic reporter shall not be required to be appointed for the seven additional judges of the superior court authorized for appointment by section 1, chapter 323, Laws of 1987 (~~(or)~~), the additional superior court judge authorized by section 1, chapter 66, Laws of 1988, or the additional superior court judges authorized by sections 2 and 3 of this 1989 act. The initial judicial appointee shall serve for a period of six years; the two initial reporter appointees shall serve for a period of four years and two years, respectively, from September 1, 1957; thereafter on expiration of the first terms of service, each newly appointed member of said examining committee to serve for a period of six years. In the event of death or inability of a member to serve, the president judge shall appoint a reporter or judge, as the case may be, to serve for the balance of the unexpired term of the member whose inability to serve caused such vacancy. The examining committee shall grant certificates to qualified applicants. Administrative and procedural rules and regulations shall be promulgated by said examining committee, subject to approval by the said president judge.

The stenographic reporter upon appointment shall thereupon become an officer of the court and shall be designated and known as the official reporter for the court or judicial district for which he is appointed: PROVIDED, That in no event shall there be appointed more official reporters in any one county or judicial district than there are superior court judges in such county or judicial district; the appointments in each class AA county shall be made by the majority vote of the judges in said county acting en banc; the appointments in class A counties and counties of the first class may be made by each individual judge therein or by the judges in said county acting en banc. Each official reporter so appointed shall hold office during the term of office of the judge or judges appointing him, but may be removed for incompetency, misconduct or neglect of duty, and before entering upon the discharge of his duties shall take

an oath to perform faithfully the duties of his office, and file a bond in the sum of two thousand dollars for the faithful discharge of his duties. Such reporter in each court is hereby declared to be a necessary part of the judicial system of the state of Washington.

NEW SECTION. Sec. 5. The additional judicial positions created by sections 2 and 3 of this act in Pierce and Snohomish counties shall be effective only if the county through its duly constituted legislative authority documents its approval of any additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial positions as provided by statute. The additional expenses include, but are not limited to, expenses incurred for court facilities.

Sec. 6. Section 5, chapter 323, Laws of 1987 (uncodified) is amended to read as follows:

Sections 1 and 2 of this act shall take effect January 1, 1988. The additional judicial positions created by sections 1 and 2 of this act in King county and Chelan and Douglas counties shall be effective only if each county through its duly constituted legislative authority documents its approval of any additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial positions as provided by statute. The additional expenses include, but are not limited to, expenses incurred for court facilities. The legislative ~~((authority))~~ authorities of ((each county)) Chelan and Douglas counties may in ((its)) their discretion phase in any additional judicial positions over a period of time not to extend beyond January 1, 1990. The legislative authority of King county may in its discretion phase in any additional judicial positions over a period of time not to extend beyond January 1, 1991.

NEW SECTION. Sec. 7. (1) Three additional judicial positions created by section 2 of this 1989 act shall be effective January 1, 1990.

(2) One additional judicial position created by section 3 of this act shall be effective July 1, 1990; the second position shall be effective not later than June 30, 1991.

Sec. 8. Section 36.32.400, chapter 4, Laws of 1963 as amended by section 7, chapter 106, Laws of 1975-76 2nd ex. sess. and RCW 36.32.400 are each amended to read as follows:

Any county by a majority vote of its board of county commissioners may enter into contracts to provide health care services and/or group insurance for the benefit of its employees, and may pay all or any part of the cost thereof. Any two or more counties, by a majority vote of their respective boards of county commissioners may, if deemed expedient, join in the procuring of such health care services and/or group insurance, and the board of county commissioners of each participating county may, by appropriate resolution, authorize their respective counties to pay all or any portion of the cost thereof.

Nothing in this section shall impair the eligibility of any employee of a county, municipality, or other political subdivision under RCW 41.04.205.

For the purposes of this section, 'employee' and 'employees' shall not include superior court judges, whose benefits are provided by the state.

Sec. 9. Section 1, chapter 75, Laws of 1963 as last amended by section 1, chapter 82, Laws of 1974 ex. sess. and RCW 41.04.180 are each amended to read as follows:

(1) Any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body may, whenever funds shall be available for that purpose provide for all or a part of hospitalization and medical aid for its employees and their dependents through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW ~~((or self-insurers as provided for in chapter 48.52 RCW))~~ for group hospitalization and medical aid policies or plans: PROVIDED, That any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body shall provide the employees thereof a choice of policies or plans through contracts with not less than two regularly constituted insurance carriers or health care service contractors or other health care plans ~~((including but not limited to, trusts of self-insurance as provided for in chapter 48.52 RCW))~~; AND PROVIDED FURTHER, That any county may provide such hospitalization and medical aid to county elected officials and their dependents on the same basis as such hospitalization and medical aid is provided to other county employees and their dependents: PROVIDED FURTHER, That provision for school district personnel shall not be made under this section but shall be as provided for in RCW 28A.58.420.

(2) For the purposes of this section, 'employees' and 'elected officials' shall not include superior court judges, whose benefits are provided by the state.

Sec. 10. Section 2, chapter 221, Laws of 1969 ex. sess. as amended by section 1, chapter 49, Laws of 1977 ex. sess. and RCW 2.06.020 are each amended to read as follows:

The court shall have three divisions, one of which shall be headquartered in Seattle, one of which shall be headquartered in Spokane, and one of which shall be headquartered in Tacoma:

(1) The first division shall have ~~((eight))~~ nine judges from three districts, as follows:

(a) District 1 shall consist of King county and shall have six judges;

(b) District 2 shall consist of Snohomish county and shall have ~~((one))~~ two judges; and

(c) District 3 shall consist of Island, San Juan, Skagit and Whatcom counties and shall have one judge.

(2) The second division shall have four judges from the following districts:

(a) District 1 shall consist of Pierce county and shall have two judges:

(b) District 2 shall consist of Clallam, Grays Harbor, Jefferson, Kitsap, Mason, and Thurston counties and shall have one judge;

(c) District 3 shall consist of Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum counties and shall have one judge.

(3) The third division shall have four judges from the following districts:

(a) District 1 shall consist of Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens counties and shall have two judges;

(b) District 2 shall consist of Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Walla Walla, and Whitman counties and shall have one judge;

(c) District 3 shall consist of Chelan, Douglas, Kittitas, Klickitat and Yakima counties and shall have one judge.

NEW SECTION. Sec. 11. A new section is added to chapter 2.06 RCW to read as follows:

The new judicial position for the first division, district 2, Snohomish county created pursuant to the 1989 amendment to RCW 2.06.020 shall become effective January 1, 1990, and shall be filled by gubernatorial appointment.

The person appointed by the governor shall hold office until the general election to be held in November 1990. At the general election, the judge appointed shall be entitled to run for a term of six years or until the second Monday in January 1997, and until a successor is elected and qualified. Thereafter, the judge shall be elected for a term of six years and until a successor is elected and qualified, commencing with the second Monday in January succeeding the election."

Mr. R. Meyers spoke in favor of the amendment, and it was adopted. .

On motion of Mr. R. Meyers, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "appeals;" strike the remainder of the title and insert "amending RCW 2.08.061, 2.08.064, 2.32.180, 36.32.400, 41.04.180, and 2.06.020; amending section 5, chapter 323, Laws of 1987 (uncodified); adding a new section to chapter 2.06 RCW; and creating new sections."

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick, Padden and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1802, and the bill passed the House by the following vote: Yeas, 93; nays, 3; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 93.

Voting nay: Representatives Berozoff, Chandler, Nealey - 3.

Excused: Representatives Todd, Zellinsky - 2.

Engrossed House Bill No. 1802, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 10:00 a.m., Friday, April 7, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, April 7, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

April 6, 1989

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6052,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION AND FIRST READING

ESSB 6052 by Committee on Ways & Means (originally sponsored by Senators McDonald, Gaspard, Hayner, Smitherman, Smith, Vognild, Metcalf, Wojahn, Thorsness, Stratton, Johnson, Anderson and Owen)

Taxing adult entertainment materials and services and dedicating the revenues to crime victims compensation.

Referred to Committee on Revenue.

The Speaker (Mr. O'Brien presiding) referred the bill listed on today's introduction sheet under the fourth order of business to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

April 5, 1989

HB 2152 Prime Sponsor, Representative Walk: Establishing the transportation planning coordination act of 1989. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Cantwell, Cooper, G. Fisher, R. Fisher, Haugen, Jones, Kremen, R. Meyers, Prentice, D. Sommers, Todd and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Patrick, Walker and S. Wilson.

Voting nay: Representatives Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Prince, Smith, Walker and S. Wilson.

Absent: Representatives Gallagher, Hankins and Patrick.

Passed to Committee on Rules for second reading.

April 5, 1989

2SSB 5400

Prime Sponsor, Committee on Ways & Means: Regarding mental health systems. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 204, Laws of 1982 as amended by section 1, chapter 274, Laws of 1986 and RCW 71.24.015 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs which provide(s) for:

(1) Access to mental health services for adults and children of the state who are acutely mentally ill, seriously disturbed, or chronically mentally ill, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. It is also the purpose of this chapter to ensure that children in need of mental health care and treatment receive the care and treatment appropriate to their developmental level, and to enable treatment decisions to be made in response to clinical needs and in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) Accountability of services through state-wide standards for ((management;)) monitoring((;)) and reporting of information;

(3) Minimum service delivery standards;

(4) Priorities for the use of available resources for the care of the mentally ill;

(5) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, community mental health services, and other support services, which ((may)) shall to the maximum extent feasible also include the families of the mentally ill, and other service providers; and

(6) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders. The legislature intends to encourage the development of county-based services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties are encouraged to enter into joint operating agreements with other counties to form regional systems of care which integrate planning, administration, and service delivery duties assigned to counties under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end the legislature intends to promote active engagement with mentally ill persons and collaboration between families and service providers.

Sec. 2. Section 3, chapter 204, Laws of 1982 as amended by section 2, chapter 274, Laws of 1986 and RCW 71.24.025 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Acutely mentally ill' means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020(2) or, in the case of a child, as defined in RCW 71.34.020(12);

(b) Being gravely disabled as defined in RCW 71.05.020(1) or, in the case of a child, as defined in RCW 71.34.020(8); or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020(3) or, in the case of a child, as defined in RCW 71.34.020(11).

(2) 'Available resources' means those funds which shall be appropriated under this chapter by the legislature during any biennium for the purpose of providing community mental health programs under RCW 71.24.045. When regional support networks are established or after July 1, 1995, 'available resources' means federal funds, except those provided according to Title XIX of the social security act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals, except as negotiated according to section 5(1)(d) of this act.

(3) 'Licensed service provider' means an entity licensed ~~((by the department))~~ according to this chapter or chapter 71.05 RCW that meets state minimum standards or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.88 RCW.

(4) 'Child' means a person under the age of eighteen years.

(5) 'Chronically mentally ill person' means a child or adult who has a mental disorder, in the case of a child as defined by chapter 71.34 RCW, and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years or, in the case of a child, has been placed by the department or its designee two or more times outside of the home, where the placements are related to a mental disorder, as defined in chapter 71.34 RCW, and where the placements progress toward a more restrictive setting. Placements by the department include but are not limited to placements by child protective services and child welfare services;

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year;

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. 'Substantial gainful activity' shall be defined by the department by rule consistent with Public Law 92-603, as amended, and shall include school attendance in the case of a child; or

(d) In the case of a child, has been subjected to continual distress as indicated by repeated physical or sexual abuse or neglect.

(6) 'Community mental health program' means all mental health services established by a county authority. After July 1, 1995, or when the regional support networks are established, 'community mental health program' means all activities or programs using available resources.

(7) 'Community support services' means services for acutely and chronically mentally ill persons and includes: (a) Discharge planning for clients leaving state mental hospitals, other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (b) sufficient contacts with clients, families, schools, or significant others to provide for an effective program of community maintenance; and (c) medication monitoring. After July 1, 1995, or when regional support networks are established, for adults and children 'community support services' means services authorized, planned, and coordinated through resource management services including, at least, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, other services determined by regional support networks, and maintenance of a patient tracking system for chronically mentally ill persons.

(8) 'County authority' means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

~~((#))~~ (9) 'Department' means the department of social and health services.

~~((#))~~ (10) 'Mental health services' means community services pursuant to RCW 71.24.035(5)(b) and other services provided by the state for the mentally ill. When regional support networks are established, or after July 1, 1995, 'mental health services' shall include all services provided by regional support networks.

~~((#))~~ (11) 'Mentally ill persons' and 'the mentally ill' mean persons and conditions defined in subsections (1), (5), and ~~((#))~~ (15) of this section.

~~((#))~~ (12) 'Regional support network' means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary pursuant to this chapter.

(13) 'Residential services' means a facility or distinct part thereof which provides food ~~((; clothing;))~~ and shelter, and may include ~~((day))~~ treatment services ~~((as defined in RCW 71.24.045, for acutely mentally ill, chronically mentally ill, or seriously disturbed persons as defined in this section. Such facilities include, but are not limited to, congregate care facilities providing mental health client services as stipulated by contract with the department beginning January 1, 1982)).~~

When regional support networks are established, or after July 1, 1995, for adults and children 'residential services' means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill persons, or seriously disturbed persons determined by the regional support network to be at

risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes.

((14) 'Resource management services' mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for acutely mentally ill adults and children, chronically mentally ill adults and children, or seriously disturbed adults and children determined by the regional support network at their sole discretion to be at risk of becoming acutely or chronically mentally ill. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

((+2)) (15) 'Seriously disturbed person' means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to ~~((himself))~~ oneself or others as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

((+3)) (16) 'Secretary' means the secretary of social and health services.

((+4)) (17) 'State minimum standards' means: (a) Minimum requirements for ~~((management and))~~ delivery of mental health services as established by departmental rules and necessary to implement this chapter, including but not limited to ~~((county administration,))~~ licensing service providers~~((information, accountability, contracts,))~~ and services; ~~((and))~~ (b) minimum service requirements for licensed service providers for the provision of mental health services as established by departmental rules pursuant to chapter ~~((34.04))~~ 34.05 RCW as necessary to implement this chapter, including, but not limited to: Qualifications for staff providing services directly to mentally ill persons; the intended result of each service ~~((for those priority groups identified in RCW 71.24.035(b)))~~; and the rights and responsibilities of persons receiving mental health services pursuant to this chapter; (c) minimum requirements for residential services as established by the department in rule based on clients' functional abilities and not solely on their diagnoses, limited to health and safety, staff qualifications, and program outcomes. Minimum requirements for residential services are those developed in collaboration with consumers, families, counties, regulators, and residential providers serving the mentally ill. Minimum requirements encourage the development of broad-range residential programs, including integrated housing and cross-systems programs where appropriate, and do not unnecessarily restrict programming flexibility; and (d) minimum standards for community support services and resource management services, including at least qualifications for resource management services, client tracking systems, and the transfer of patient information between service providers.

Sec. 3. Section 4, chapter 204, Laws of 1982 as last amended by section 1, chapter 105, Laws of 1987 and RCW 71.24.035 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary may provide for public, client, and licensed service provider participation in developing the state mental health program.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including ~~((children's))~~ representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan;

(b) Assure that any county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) the chronically mentally ill; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic

living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Consultation and education services; and

(F) Community support services ~~((for acutely and chronically mentally ill persons which include: (f) Discharge planning for clients leaving state mental hospitals, other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (ff) sufficient contacts with clients, families, schools, or significant others to provide for an effective program of community maintenance; and (fff) medication monitoring;));~~

(c) Develop and promulgate rules establishing state minimum standards for the ~~((man-agement and))~~ delivery of mental health services including, but not limited to:

(i) Licensed service providers;

(ii) ~~((County administration))~~ Regional support networks; and

~~((iii))~~ ~~((Information required to assure accountability of services delivered to the mentally ill; and~~

~~((iv))~~ Residential and inpatient services, ((if a county chooses to provide such optional ser-vices)) evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) ~~((Assure coordination of services consistent with state minimum standards for individu-als who are released from a state hospital into the community to assure a continuum of care;~~

~~((e))~~ Assure that the special needs of minorities, the elderly, disabled, children, and low-in-come persons are met within the priorities established in ((subsection (5)(b) of) this section;

~~((ff))~~ (e) Establish a standard contract or contracts, consistent with state minimum stan-dards, which shall be used by the counties;

~~((g))~~ (f) Establish, to the extent possible, a standardized auditing procedure which mini-mizes paperwork requirements of county authorities and licensed service providers;

~~((hh))~~ (g) Develop and maintain an information system to be used by the state ((and)), counties, and regional support networks when they are established which shall include a tracking method which allows the department and regional support networks to identify men-tal health clients' participation in any mental health service or public program on an immedi-ate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chap-ter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440. The system shall be fully operational no later than January 1, 1993; PROVIDED, HOWEVER, That when a regional support network is established, the department shall have an operational interim tracking system for that network that will be adequate for the regional support network to per-form its required duties under this chapter;

~~((ii))~~ (h) License service providers who meet state minimum standards;

~~((j))~~ Establish criteria to evaluate the performance of counties in administering men-tal health programs as established under this chapter. Evaluation of community mental health services shall include all categories of illnesses treated, all types of treatment given, the num-ber of people treated, and costs related thereto; and

~~((k))~~ (i) Certify regional support networks that meet state minimum standards;

(j) Periodically inspect certified regional support networks and licensed service providers at reasonable times and in a reasonable manner; and

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit counties, regional support networks, and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(m) Prior to September 1, ((1992)) 1989, adopt such rules as are necessary to implement the department's responsibilities under this chapter pursuant to chapter ((34.64)) 34.05 RCW; PRO-VIDED, That such rules shall be submitted to the appropriate committees of the legislature for review and comment prior to adoption; and

(n) Beginning July 1, 1989, and continuing through July 1, 1993, track by region and county the use and cost of state hospital and local evaluation and treatment facilities for seventy-two hour detention, fourteen, ninety, and one hundred eighty day commitments pursuant to chap-ter 71.05 RCW, voluntary care in state hospitals, and voluntary community inpatient care cov-ered by the medical assistance program. Service use and cost reports shall be provided to regions in a timely fashion at six-month intervals.

(o) The secretary shall use available resources appropriated specifically for community mental health programs only for programs under RCW 71.24.045. After July 1, 1995, or when regional support networks are established, available resources may be used only for regional support networks.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reason-ably requires. A certified regional support network or licensed service provider which, without

good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to the law, applicable rules and regulations, or applicable standards, or failure to meet the minimum standards established pursuant to this section.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) The secretary shall adopt such rules as may be necessary to effectuate the intent and purposes of this chapter, which shall include but not be limited to certification and licensing and other action relevant to certifying regional support networks and licensing service providers.

(12) Notwithstanding the existence or pursuit of any other remedy, the secretary may, in the manner provided by law, upon the advice of the attorney general who shall represent the secretary in the proceedings, maintain an action in the name of the state for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(13) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapter 71.05 RCW, and shall otherwise assure the effectuation of the purposes and intent of this chapter and chapter 71.05 RCW.

(14)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects county needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, and seriously disturbed as defined in chapter 71.24 RCW. The formula shall take into consideration the impact on counties of demographic factors in counties which result in concentrations of priority populations as defined in ((chapter 71.24 RCW)) subsection (15) of this section. These factors shall include the population concentrations resulting from commitments under the involuntary treatment act, chapter 71.05 RCW, to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The department shall submit a proposed distribution formula in accordance with this section to the ways and means and ((human services)) health care and corrections committees of the senate and to the ways and means and human services committees of the house of representatives by ((January 1, 1988)) October 1, 1989. The formula shall also include a projection of the funding allocations that will result for each county, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(15) To supersede duties assigned under subsection (5) (a) and (b) of this section, and to assure a county-based, integrated system of care for acutely mentally ill adults and children, chronically mentally ill adults and children, and seriously disturbed adults and children who are determined by regional support networks at their sole discretion to be at risk of becoming acutely or chronically mentally ill, the secretary shall encourage the development of regional support networks as follows:

By December 1, 1989, the secretary shall recognize regional support networks requested by counties or groups of counties.

All counties wishing to be recognized as a regional support network on December 1, 1989, shall submit their intentions regarding participation in the regional support networks by October 30, 1989, along with preliminary plans. Counties wishing to be recognized as a regional support network by January 1, 1993, shall submit their intentions by November 30, 1992, along with preliminary plans. The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05 and 71.24 RCW on July 1, 1995. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The implementation of regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05 and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(16) The secretary shall:

(a) Disburse the first funds for the regional support networks that are ready to begin implementation by January 1, 1990, or within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks to begin implementation between January 1, 1990, and March 1, 1990, and complete implementation by June 1995. The contracts shall be consistent with available resources and plans submitted by participating regional support networks, and approved by the department.

(c) By July 1, 1993, allocate one hundred percent of available resources to regional support networks created by January 1, 1990, in a single grant. Regional support networks created by January 1, 1993, shall receive a single block grant by July 1, 1995. The grants shall include funds currently provided for all residential services, all services pursuant to chapter 71.05 RCW, and all community support services and shall be distributed in accordance with a formula submitted to the legislature by January 1, 1993, in accordance with subsection (14) of this section.

(d) By January 1, 1990, allocate available resources to regional support networks for community support services, resource management services, and residential services excluding evaluation and treatment facilities provided pursuant to chapter 71.05 RCW in a single grant using the distribution formula established in subsection (14) of this section.

(e) By March 1, 1990, or within sixty days of approval of the contract continuing through July 1, 1993, provide grants as specifically appropriated by the legislature to regional support networks for evaluation and treatment facilities for persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. For regional support networks created by January 1, 1993, provide grants as specifically appropriated by the legislature to regional support networks for evaluation and treatment facilities for persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW through July 1, 1995.

(f) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(g) Study and report to the legislature by December 1, 1989, on expanding the use of federal Title XIX funds and the definition of institutions for mental diseases to provide services to persons who are acutely mentally ill, chronically mentally ill, or at risk of becoming so. The study shall also include an assessment of the impact of Title XIX funds and the definition of institutions for mental diseases on the use of state funds to provide needed mental health services to the chronically mentally ill.

(h) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

(i) Identify in its departmental biennial operating and capital budget requests the funds requested by regional support networks to implement their responsibilities under this chapter.

(j) Contract to provide or, if requested, make grants to counties to provide technical assistance to county authorities or groups of county authorities to develop regional support networks.

(17) The department of social and health services, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the health care and corrections committee of the senate and the human services committee of the house of representatives.

(18) The secretary shall establish a task force to examine the recruitment, training, and compensation of qualified mental health professionals in the community, which shall include the advantages and disadvantages of establishing a training academy, loan forgiveness program, or educational stipends offered in exchange for commitments of employment in mental health. The task force shall report back to the appropriate committees of the legislature by January 1, 1990.

Sec. 4, Section 5, chapter 204, Laws of 1982 as amended by section 5, chapter 274, Laws of 1986 and RCW 71.24.045 are each amended to read as follows:

The county authority shall:

(1) Submit biennial needs assessments beginning January 1, 1983, and mental health service plans which incorporate all services provided for by the county authority consistent with state minimum standards and which provide access to treatment for the county's residents including children and other underserved populations who are acutely mentally ill, chronically mentally ill, or seriously disturbed. The county program shall provide:

(a) Outpatient services;

(b) Emergency care services for twenty-four hours per day;

(c) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic

living and social skills, educational and prevocational services, day activities, and therapeutic treatment:

(d) Screening for patients being considered for admission to state mental health facilities to determine appropriateness of admission;

(e) Consultation and education services;

(f) Residential and inpatient services, if the county chooses to provide such optional services; and

(g) Community support services ~~((for acutely and chronically mentally ill persons which include: (i) Discharge planning for clients leaving state mental hospitals, other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (ii) sufficient contacts with clients, schools, families, or significant others to provide for an effective program of community maintenance; and (iii) medication monitoring)).~~

The county shall develop the biennial needs assessment based on clients to be served, services to be provided, and the cost of those services, and may include input from the public, clients, and licensed service providers. Each county authority may appoint a county mental health advisory board which shall review and provide comments on plans and policies developed by the county authority under this chapter. The composition of the board shall be broadly representative of the demographic character of the county and the mentally ill persons served therein. Length of terms of board members shall be determined by the county authority;

(2) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(3) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective. ~~((Whenever a county authority chooses to operate as a licensed service provider, the secretary shall act as the county authority for that service.))~~

(4) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts, including the minimum standards of ~~((management and))~~ service delivery as established by the department;

(5) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in ~~((RCW 71.24.035(5)(b)))~~ this chapter;

(6) Maintain patient tracking information in a central location ~~((for the chronically mentally ill))~~ as required for resource management services;

(7) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is equal to or greater than that of a county of the first class may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

(8) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

NEW SECTION, Sec. 5. A new section is added to chapter 71.24 RCW to read as follows:

A county authority or a group of county authorities whose combined population is no less than forty thousand may enter into a joint operating agreement to form a regional support network. The roles and responsibilities of county authorities shall be determined by the terms of that agreement and the provisions of law. The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under regional support networks by rule, except to assure that all duties required of regional support networks are assigned and that a single authority has final responsibility for all available resources and performance under the regional support network's contract with the secretary.

(1) Regional support networks shall within three months of recognition submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties by July 1, 1995, instead of those presently assigned to counties under RCW 71.24.045(1):

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

(c) By July 1, 1993, provide within the boundaries of each regional support network evaluation and treatment services for at least eighty-five percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Regional support networks with populations of less than one hundred fifty thousand may contract to purchase evaluation and treatment services from other networks. For regional support networks that are created after June 30, 1991, the requirements of (c) of this subsection must be met by July 1, 1995.

(d) By July 1, 1993, administer a portion of funds appropriated by the legislature to house mentally ill persons in state institutions from counties within the boundaries of any regional support network, with the exception of mentally ill offenders, and provide for the care of all persons needing evaluation and treatment services for periods up to seventeen days according to chapter 71.05 RCW in appropriate residential services, which may include state institutions. The regional support networks shall reimburse the state for use of state institutions at a rate equal to that assumed by the legislature when appropriating funds for such care at state institutions during the biennium when reimbursement occurs. The duty of a state hospital to accept persons for evaluation and treatment under chapter 71.05 RCW is limited by the responsibilities assigned to regional support networks under this section. For regional support networks that are created after June 30, 1991, the requirements of (d) of this subsection must be met by July 1, 1995.

(e) In the 1991-93 biennium, regional support networks which were recognized in 1989 shall include within their contracts measurable progress toward implementing evaluation and treatment goals, including agreements to reduce the overall number of detentions and agreements to divert a portion of short-term commitments from state hospitals established in the regional network plan: PROVIDED, That such agreements will not be required until the 1991 legislature has reviewed the feasibility and practicality of such agreements and has concurred with the appropriateness of such agreements.

(f) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, and mental health services to children as provided in this chapter.

(g) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(2) Regional support networks shall assume all duties assigned to county authorities by this chapter and chapter 71.05 RCW.

(3) A regional support network may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the mentally ill and which is within the boundaries of a regional support network be made available to support the operations of the regional support network. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

(4) Each regional support network shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter. The composition of the board shall be broadly representative of the demographic character of the region and the mentally ill persons served therein. Length of terms of board members shall be determined by the regional support network.

(5) Regional support networks shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary.

(6) Counties or groups of counties participating in a regional support network are not subject to RCW 71.24.045(7). The office of financial management shall consider information gathered in studies required in this chapter and information about the experience of other states to propose a mental health services administrative cost lid to the 1991 legislature which shall include administrative costs of licensed service providers, the state psychiatric hospitals and the department.

(7) The first regional support network contract may include a pilot project to: Establish standards and procedures for (a) making referrals for comprehensive medical examinations and treatment programs for those whose mental illness is caused or exacerbated by organic disease, and (b) training staff in recognizing the relationship between mental illness and organic disease.

Sec. 6. Section 16, chapter 111, Laws of 1967 ex. sess. as amended by section 10, chapter 204, Laws of 1982 and RCW 71.24.160 are each amended to read as follows:

The county authority shall make satisfactory showing to the secretary that state funds shall in no case be used to replace local funds from any source being used to finance mental health services prior to January 1, (~~1982~~) 1990.

Sec. 7. Section 7, chapter 142, Laws of 1973 1st ex. sess. as amended by section 5, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.020 are each amended to read as follows:

For the purposes of this chapter:

(1) 'Gravely disabled' means a condition in which a person, as a result of a mental disorder: (a) is in danger of serious physical harm resulting from a failure to provide for his essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning

evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(2) 'Mental disorder' means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions;

(3) 'Likelihood of serious harm' means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self, (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm, or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others;

(4) 'Peace officer' means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(5) 'Judicial commitment' means a commitment by a court pursuant to the provisions of this chapter;

(6) 'Public agency' means any evaluation and treatment facility or institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(7) 'Private agency' means any person, partnership, corporation, or association not defined as a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, hospital, or sanitarium, which is conducted for, or includes a department or ward conducted for the care and treatment of persons who are mentally ill;

(8) 'Attending staff' means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(9) 'Department' means the department of social and health services of the state of Washington;

(10) 'Resource management services' has the meaning given in chapter 71.24 RCW;

(11) 'Secretary' means the secretary of the department of social and health services, or his designee;

((+1)) (12) 'Mental health professional' means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

((+2)) (13) 'Professional person' shall mean a mental health professional, as above defined, and shall also mean a physician, registered nurse, and such others as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

((+3)) (14) 'Psychiatrist' means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association;

((+4)) (15) 'Psychologist' means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

((+5)) (16) 'Social worker' means a person with a master's or further advanced degree from an accredited school of social work or a degree from a graduate school deemed equivalent under rules and regulations adopted by the secretary;

((+6)) (17) 'Evaluation and treatment facility' means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and short term inpatient care to persons suffering from a mental disorder, and which is certified as such by the department of social and health services: PROVIDED, That a physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility: PROVIDED FURTHER, That a facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification: AND PROVIDED FURTHER, That no correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter.

NEW SECTION. Sec. 8. A new section is added to chapter 71.05 RCW to read as follows:

The legislature intends that the procedures and services authorized in this chapter be integrated with those in chapter 71.24 RCW to the maximum extent necessary to assure a continuum of care to persons who are mentally ill or who have mental disorders, as defined in either or both this chapter and chapter 71.24 RCW. To this end, regional support networks established in accordance with chapter 71.24 RCW shall institute procedures which require timely consultation with resource management services by county-designated mental health professionals and evaluation and treatment facilities to assure that determinations to detain, commit, treat, or release persons with mental disorders under this chapter are made only after appropriate

information regarding such person's treatment history and current treatment plan has been sought from resource management services.

Sec. 9. Section 22, chapter 142, Laws of 1973 1st ex. sess. as amended by section 10, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.170 are each amended to read as follows:

Whenever the designated county mental health professional petitions for detention of a person whose actions constitute a likelihood of serious harm to himself or others, or who is gravely disabled, the facility providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. The facility shall then evaluate the person's condition and admit or release such person in accordance with RCW 71.05.210. The facility shall notify in writing the court and the designated county mental health professional of the date and time of the initial detention of each person involuntarily detained in order that a probable cause hearing shall be held no later than seventy-two hours after detention..

The duty of a state hospital to accept persons for evaluation and treatment under this section may be limited by chapter 71.24 RCW.

NEW SECTION. Sec. 10. As used in this chapter or chapter 71.24 or 10.77 RCW, the following words and phrases shall have the meanings indicated.

(1) 'Registration records' include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify individuals who are receiving or who at any time have received services for mental illness.

(2) 'Treatment records' include registration and all other records concerning individuals who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by an individual providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

NEW SECTION. Sec. 11. (1) Informed consent for disclosure of information from court or treatment records to an individual, agency, or organization must be in writing and must contain the following information:

(a) The name of the individual, agency, or organization to which the disclosure is to be made;

(b) The name of the individual whose treatment record is being disclosed;

(c) The purpose or need for the disclosure;

(d) The specific type of information to be disclosed;

(e) The time period during which the consent is effective;

(f) The date on which the consent is signed; and

(g) The signature of the individual or person legally authorized to give consent for the individual.

(2) The files and records of court proceedings under chapter 71.05 RCW shall be closed but shall be accessible to any individual who is the subject of a petition and to the individual's attorney, guardian ad litem, resource management services, or service providers authorized to receive such information by resource management services.

NEW SECTION. Sec. 12. (1) Except as otherwise provided by law, all treatment records shall remain confidential. Treatment records may be released only to the persons designated in this section, or to other persons designated in an informed written consent of the patient.

(2) Treatment records of an individual may be released without informed written consent in the following circumstances:

(a) To an individual, organization, or agency as necessary for management or financial audits, or program monitoring and evaluation. Information obtained under this subsection shall remain confidential and may not be used in a manner that discloses the name or other identifying information about the individual whose records are being released.

(b) To the department, the director of regional support networks, or a qualified staff member designated by the director only when necessary to be used for billing or collection purposes. The information shall remain confidential.

(c) For purposes of research as permitted in chapter 42.48 RCW.

(d) Pursuant to lawful order of a court.

(e) To qualified staff members of the department, to the director of regional support networks, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility. The information shall remain confidential.

(f) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to individuals employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties.

(g) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of individuals who are under the supervision of the department.

(h) To a licensed physician who has determined that the life or health of the individual is in danger and that treatment without the information contained in the treatment records could be injurious to the patient's health. Disclosure shall be limited to the portions of the records necessary to meet the medical emergency.

(i) To a facility that is to receive an individual who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the individual from one treatment facility to another. The release of records under this subsection shall be limited to the treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record.

(j) Notwithstanding the provisions of RCW 71.05.390(7), to a correctional facility or a corrections officer who is responsible for the supervision of an individual who is receiving inpatient or outpatient evaluation or treatment. Every person who is under the supervision of the department of corrections who receives evaluation or treatment under chapter 9.94A RCW shall be notified of the provisions of this section by the individual's corrections officer. Release of records under this section is limited to:

(i) An evaluation report provided pursuant to a written supervision plan.

(ii) The discharge summary, including a record or summary of all somatic treatments, at the termination of any treatment provided as part of the supervision plan.

(iii) When an individual is returned from a treatment facility to a correctional facility, the information provided under (j)(iv) of this subsection.

(iv) Any information necessary to establish or implement changes in the individual's treatment plan or the level or kind of supervision as determined by resource management services. In cases involving a person transferred back to a correctional facility, disclosure shall be made to clinical staff only. In cases involving a person under supervision of the department of corrections, disclosure shall be made to the supervising corrections officer only.

(k) To the individual's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW.

(l) To a corrections officer of the department who has custody of or is responsible for the supervision of an individual who is transferred or discharged from a treatment facility.

(m) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental illness or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information.

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

NEW SECTION. Sec. 13. (1) Procedures shall be established by resource management services to provide reasonable and timely access to individual treatment records. However, access may not be denied at any time to records of all medications and somatic treatments received by the individual.

(2) Following discharge, the individual shall have a right to a complete record of all medications and somatic treatments prescribed during admission or commitment and to a copy of the discharge summary prepared at the time of his or her discharge. A reasonable and uniform charge for reproduction may be assessed.

(3) Treatment records may be modified prior to inspection to protect the confidentiality of other patients or the names of any other persons referred to in the record who gave information on the condition that his or her identity remain confidential. Entire documents may not be withheld to protect such confidentiality.

(4) At the time of discharge all individuals shall be informed by resource management services of their rights as provided in sections 10 through 18 of this act.

NEW SECTION. Sec. 14. Each time written information is released from a treatment record, the record's custodian shall make a notation in the record including the following: The name of the person to whom the information was released; the identification of the information released; the purpose of the release; and the date of the release. The patient shall have access to this release data.

NEW SECTION. Sec. 15. Nothing in this act shall be construed to interfere with communications between physicians or psychologists and patients and attorneys and clients.

NEW SECTION. Sec. 16. Any person, including the state or any political subdivision of the state, violating sections 10 through 18 of this act shall be subject to the provisions of RCW 71.05.440.

NEW SECTION. Sec. 17. Any person who requests or obtains confidential information pursuant to sections 10 through 18 of this act under false pretenses shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 18. The department shall adopt rules to implement sections 10 through 17 of this act.

Sec. 19. Section 2, chapter 107, Laws of 1987, section 1, chapter 337, Laws of 1987, section 16, chapter 370, Laws of 1987, section 1, chapter 404, Laws of 1987 and section 10, chapter 411, Laws of 1987 and RCW 42.17.310 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients (~~(-prisoners, probationers, or parolees)~~).

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, and to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) Except as provided under section 2 of this 1987 act (1987 c 404 § 2), all applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 20. A new section is added to chapter 72.23 RCW to read as follows:

(1) It is the intent of the legislature to improve the quality of service at state hospitals, eliminate overcrowding, and more specifically define the role of the state hospitals. The legislature intends that eastern and western state hospitals shall become clinical centers for handling the most complicated long-term care needs. Over the next six years, their involvement in providing short-term and acute care shall be diminished in accordance with the revised responsibilities for mental health care under chapter 71.24 RCW. The legislature finds that establishment of the eastern state hospital board, the western state hospital board, and institutes for the study and treatment of mental disorders at both eastern state hospital and western state hospital will be instrumental in implementing the legislative intent.

(2)(a) The eastern state hospital board and the western state hospital board are each established. Members of the boards shall be appointed by the governor with the consent of the senate. Each board shall include:

(i) The director of the institute for the study and treatment of mental disorders established at the hospital;

(ii) One family member of a current or recent hospital resident;

(iii) One consumer of services;

(iv) One community mental health service provider;

(v) Two citizens with no financial or professional interest in mental health services;

(vi) One representative of the regional support network in which the hospital is located;

(vii) One representative from the staff who is a physician;

(viii) One representative from the nursing staff;

(ix) One representative from the other professional staff;

(x) One representative from the nonprofessional staff; and

(xi) One representative of a minority community.

(b) At least one representative listed in (a) (vii), (ix), or (x) of this subsection shall be a union member.

(c) Members shall serve four-year terms. Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 and shall receive compensation as provided in RCW 43.03.240.

(3) The boards established under this section shall:

(a) Monitor the operation and activities of the hospital;

(b) Review and advise on the hospital budget;

(c) Make recommendations to the governor and the legislature for improving the quality of service provided by the hospital;

(d) Monitor and review the activities of the hospital in implementing the intent of the legislature set forth in this section;

(e) Report periodically to the governor and the legislature on the implementation of the legislative intent set forth in this section; and

(f) Consult with the secretary regarding persons the secretary may select as the superintendent of the hospital whenever a vacancy occurs.

(4)(a) There is established at eastern state hospital and western state hospital, institutes for the study and treatment of mental disorders. The institutes shall be operated by joint operating agreements between state colleges and universities and the department of social and health services. The institutes are intended to:

(i) Promote recruitment and retention of highly qualified professionals at the state hospitals;

(ii) Improve clinical care by exploring new, innovative, and scientifically based treatment models for persons presenting particularly difficult and complicated clinical syndromes;

(iii) Provide expanded training opportunities for existing staff at the state hospitals;

(iv) Promote bilateral understanding of treatment orientation, possibilities, and challenges between state hospital professionals and community mental health professionals.

(b) To accomplish these purposes the institutes may, within funds appropriated for this purpose:

(i) Enter joint operating agreements with state universities or other institutions of higher education to accomplish the placement and training of students and faculty in psychiatry, psychology, social work, occupational therapy, nursing, and other relevant professions at the state hospitals;

(ii) Design and implement clinical research projects to improve the quality and effectiveness of state hospital services and operations;

(iii) Enter into agreements with community mental health service providers to accomplish the exchange of professional staff between the state hospitals and community mental health service providers;

(iv) Establish a student loan forgiveness program to retain qualified professionals at the state hospitals when the superintendent has determined a shortage of such professionals exists.

(c) Notwithstanding any other provisions of law to the contrary, the institutes may enter into agreements with the department or the state hospitals which may involve changes in staffing necessary to implement improved patient care programs contemplated by this section.

(d) The institutes are authorized to seek and accept public or private gifts, grants, contracts, or donations to accomplish their purposes under this section.

(5) The department shall review the diagnoses and treatment history of hospital patients and create a plan to locate inappropriately placed persons into medicaid reimbursable nursing homes or other nonhospital settings. The plan shall be submitted to the legislature by June 30, 1990.

NEW SECTION. Sec. 21. The legislative budget committee shall conduct or contract for an evaluation of the implementation of this act, including but not limited to, the impact on inpatient psychiatric bed utilization particularly at the state hospitals, and submit a report to the appropriate legislative committees by December 1, 1992.

NEW SECTION. Sec. 22. The department of health, if created, or the office of financial management shall conduct a study of equitable and timely compensation for involuntary psychiatric services through a review of medical assistance rates paid to hospitals. The department, or office of financial management, shall submit a report and recommendations to the department of social and health services and appropriate legislative committees by December 1, 1989.

NEW SECTION. Sec. 23. Sections 10 through 18 of this act shall take effect on July 1, 1995, or when regional support networks are established.

NEW SECTION. Sec. 24. Sections 10 through 18 of this act are each added to chapter 71.05 RCW.

NEW SECTION. Sec. 25. The following acts or parts of acts are each repealed:

(1) Section 4, chapter 274, Laws of 1986 and RCW 71.24.039; and

(2) Section 59, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.540.

NEW SECTION. Sec. 26. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1989, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 27. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 71.24.015, 71.24.025, 71.24.035, 71.24.045, 71.24.160, 71.05.020, and 71.05.170; reenacting and amending RCW 42.17.310; adding a new section to chapter 71.24 RCW; adding new sections to chapter 71.05 RCW; adding a new section to chapter 72.23 RCW; creating new sections; repealing RCW 71.24.039 and 71.05.540; prescribing penalties; providing an effective date; and declaring an emergency."

Signed by Representatives Bristow, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Hargrove, Leonard, Raiter and Winsley.

Absent: Representative Padden.

Referred to Committee on Appropriations.

The Speaker (Mr. O'Brien presiding) referred the bills listed on today's committee reports under the fifth order of business to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Anderson, the House adjourned until 10:00 a.m., Monday, April 10, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

NINETY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Monday, April 10, 1989

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Day, Gallagher, P. King, R. Meyers, Rasmussen, Todd and Walker. On motion of Ms. Fraser, Representatives Appelwick, Gallagher, R. Meyers, Rasmussen and Todd were excused. On motion of Ms. Miller, Representative Walker was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Christie Cooper and Margaret Bergford. Prayer was offered by The Reverend Dean Nicholson, Minister of the Victory Christian Center of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

April 10, 1989

On this day in 1889, the first clock in Seattle, brought around the Horn for early banker Dexter Horton, was reported to exist in the hand of Ira Wooden, Postmaster of Woodenville (now Woodinville). And advertisement for a minister in Kalama read "Wanted, a ... first class preacher; hard or soft shell Baptist; a man with a trade preferred; better have a little knowledge of the art of wood chopping, type-setting, fishing, etc.; robust the better; one who dislikes luxuries and also would be satisfied with the fee derived from officiating at weddings and funerals."

On April 10, 1901 the Slavonian-American Benevolent Society was incorporated in Tacoma. Later in the year it built a meeting hall.

On April 10, 1928 the first bridge on the Queets River opened. It had a 356 foot long cable span and was for foot traffic only.

MESSAGES FROM THE SENATE

April 7, 1989

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5960,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 7, 1989

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5098 and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 7, 1989

Mr. Speaker:

The Senate concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 5127 and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 7, 1989

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5933 and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION AND FIRST READING

2SSB 5960 by Committee on Ways & Means (originally sponsored by Senators Nelson, Talmadge and Niemi)

Defining and providing indigent defense services.

Referred to Committee on Judiciary.

The Speaker (Mr. O'Brien presiding) referred the bill listed on today's introduction sheet under the fourth order of business to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

April 5, 1989

HB 1825 Prime Sponsor, Representative R. Fisher: Changing provisions relating to high capacity transportation systems. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Wood, Assistant Ranking Republican Member; Cantwell, Cooper, Day, G. Fisher, R. Fisher, Hearvey, Jones, Kremen, R. Meyers, Nelson, Prentice, Todd and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Schmidt, Ranking Republican Member; Betzoff, Haugen, Patrick, D. Sommers, Walker and S. Wilson.

Voting nay: Representatives Schmidt, Ranking Republican Member; Betzoff, Haugen, Patrick, Prince, Smith, D. Sommers, Walker and S. Wilson.

Absent: Representatives Gallagher and Hankins.

Passed to Committee on Rules for second reading.

April 6, 1988

HB 2216 Prime Sponsor, Representative Day: Revising provisions for the Spokane river toll bridge. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Schmidt, Ranking Republican Member; Wood, Assistant Ranking Republican Member; Betzoff, Cooper, Day, G. Fisher, Jones, R. Meyers, Nelson, Prentice, Smith, D. Sommers, Walker, S. Wilson and Zellinsky.

Absent: Representatives R. Fisher, Gallagher, Hankins, Haugen, Kremen, Patrick, Prince and Todd.

Passed to Committee on Rules for second reading.

The Speaker (Mr. O'Brien presiding) referred the bills listed on today's committee reports under the fifth order of business to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4660, by Representatives Jacobsen, O'Brien and Locke

WHEREAS, Twenty-three students at Cleveland High School, along with their instructors, persevered for over a year and a half on a project to establish an official State Fossil for Washington; and

WHEREAS, The students performed extensive research on over forty animal and plant fossils found within Washington State to determine a select list of five fossils worthy of being the state fossil; and

WHEREAS, In completing this challenging project, the students also participated in two archeological digs; worked with paleontologists from the Burke Memorial Washington State Museum; viewed numerous slides; and integrated their scientific findings with election-year politics by asking students across the state to vote for the fossil which would best represent the State of Washington; and

WHEREAS, The students conducted the statewide poll of over nine hundred public and private schools by designing the ballot, mailing it and then tallying the votes to find that the Giant Ground Sloth (MEGALONYX JEFFERSON)—a six to nine foot-long creature that weighed at least two tons, that roamed the State of Washington about twelve thousand years ago, that was discovered in Washington State and is known to be among the best and most complete fossil specimens found anywhere in the United States—was the students' choice for state fossil; and

WHEREAS, During the course of this project, the students learned the valuable role fossils play in determining our state's geologic history; the principles of conducting scientific research; the democratic voting process; and the legislative procedures which make ideas into laws; and

WHEREAS, This class project provided an opportunity, not only to the students of Cleveland High School but also to students statewide, to participate directly in an effort they hope will result in a lasting contribution to the state, that of an official Washington State Fossil;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and commend the students of Cleveland High School for their academic excellence, diligence and achievement in this endeavor; and

BE IT FURTHER RESOLVED, That the members of the House of Representatives recognize and pay tribute to Doris Leonard, Cleveland High School Science Department teacher who led the students in the fossil project; Gary Smith, Cleveland High School teacher who assisted; Terrence Frest, Burke Museum paleontologist who provided the students invaluable instruction about Washington State fossils; and Connie Sidles, Seattle School Board member who suggested the project; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Cleveland High School students who participated in this project, to Ms. Doris Leonard, to the Principal of Cleveland High School and to the Seattle School District Board.

Mr. Jacobsen moved adoption of the resolution. Representatives Jacobsen and Pruitt spoke in favor of the resolution.

House Floor Resolution No. 89-4660 was adopted.

Representatives Rasmussen and Todd appeared at the bar of the House.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider Senate Bill No. 5676 on the second reading calendar. The motion was carried.

SENATE BILL NO. 5676, by Senators Cantu, Bender, Patterson and McDonald

Designating state route number 901 a scenic highway.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5676, and the bill passed the House by the following vote: Yeas, 92; absent, 2; excused, 4.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brække, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole,

Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Day, King P - 2.

Excused: Representatives Appelwick, Gallagher, Meyers R, Walker - 4.

Senate Bill No. 5676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider Substitute Senate Bill No. 5560 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5560, by Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Wojahn, Johnson, Vognil, Moore, Bauer, Warnke, Smitherman, Rasmussen, Sutherland, Fleming, Stratton, Matson, McMullen and Sellar)

Providing for insurance coverage for temporomandibular joint disorders.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Dellwo moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Dellwo, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dellwo and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5560 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; absent, 2; excused, 4.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Day, King P - 2.

Excused: Representatives Appelwick, Gallagher, Meyers R, Walker - 4.

Substitute Senate Bill No. 5560 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINTS OF PERSONAL PRIVILEGE

Ms. Fraser: I would like to bring to the attention of the House and to the people of the state the incredible feat of the Lewis and Clark Run, which concluded yesterday. This is a major centennial event of international proportions. We had teams here from many countries around the world, including Olympia's own sister city in Japan. The race started in Clarkston a week ago and concluded yesterday at Ilwaco. I attended the concluding ceremonies and ran the last few miles myself, and it was a total high to see the feeling of the people, who had run all the way across our beautiful state, and the appreciation they had for our history and for our geography. The trail run went through twelve counties, fifty-one communities and

seventeen historic sites, and the people of our state really came out to welcome the runners and made us proud to be Washingtonians. The event was organized by the State Parks Department, the Olympia Rainrunners, the Washington Lewis and Clark Trail Committee, and the State Parks and Recreation Commission. On behalf of all of us, I would like to express appreciation to everybody who helped make this incredible event happen. Thank you.

Mr. Brooks: Thank you, Mr. Speaker. I also rise to a Point of Personal Privilege to continue the discourse on the wonderful race that terminated last evening in Cape Disappointment. It was a wonderful, wonderful thing and, fortunately, ended on a day like today with perfect sunshine, quite unlike the weather that drove the original Lewis and Clark expedition into this cove for shelter so many years ago. The course covered a total of five hundred miles and took a week to run. Participants ran fifty-five to seventy-five miles a day as teams. There were teams from everywhere in this country; there was a wonderful team from New Zealand, which I met and talked to at the end of the race. It was an international event--there was a team from Paris, another one from England--and those are only a few of the international teams that participated. I have a son who started in the race in the first leg, and he ended the first leg in Dayton, Washington. The whole town turned out; the streets were decked; the people were there with food and lodging for the entire group. They then went on through the other communities. There were about twelve to fifteen hundred runners involved, and a handful of people who ran the entire race themselves which was a tremendous feat. The people who supported and sponsored this event, the State Patrol, the DOT, and all the other people along the line gave this race great, great support. I think we owe them all a vote of real thanks. It was a wonderful event.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4667, by Representatives Dorn, Rasmussen, Tate and Walk

WHEREAS, Orting, Washington will celebrate its Centennial Birthday on April 22 and 23; and

WHEREAS, Orting was incorporated six months before Washington entered statehood; and

WHEREAS, Orting is home to approximately 1900 people; and

WHEREAS, The citizens of Orting formed a strong Centennial Committee fourteen months ago and polled the town for a centennial project which resulted in the construction of a forty thousand dollar bell tower to house the first town fire bell; and

WHEREAS, Orting will ring in its one-hundred-first year on the fire bell; and

WHEREAS, A centennial parade will be held on April 22, 1989 at 9:30 A.M., and a program honoring Orting's descendants and the ringing of the bell will be held at 11:00 A.M.; and

WHEREAS, The Orting Post Office will offer a special Orting Centennial Postal Cancellation only on April 22, 1989;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor Orting's proud heritage; its descendants; the former Mayors; the current Mayor, Wayne Harmon; the City Council members; the Centennial Committee members and Co-chairs, Sam Colorossi and Madeline Jones; and all the residents of the town; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the town of Orting, the Centennial Committee and Mayor Wayne Harmon.

Mr. Dorn moved adoption of the resolution. Representatives Dorn and Rasmussen spoke in favor of the resolution.

House Floor Resolution No. 89-4667 was adopted.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease. The Speaker called the House to order.

Representatives Appelwick, Day, P. King and Walker appeared at the bar of the House.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HCR 4411 by Representatives Ebersole, Ballard, Locke, Silver, Holland, Hine and Bowman

Providing for a joint select committee on legislative fiscal organization.

Referred to Committee on Rules.

HCR 4412 by Representative Ebersole

Setting the date for a joint session.

The Speaker referred House Concurrent Resolution No. 4411 on today's introduction sheet under the fourth order of business to the committee so designated.

MOTION

On motion of Mr. Heavey, the rules were suspended and House Concurrent Resolution No. 4412 was advanced to second reading and read the second time in full.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Mr. Heavey spoke in favor of the resolution.

House Concurrent Resolution No. 4412 was adopted.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House consider the following bills on the second reading calendar in the following order: Substitute Senate Bill No. 5561, Senate Bill No. 5022, Substitute Senate Bill No. 5035, and Engrossed Substitute Senate Bill No. 5048. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5561, by Committee on Environment & Natural Resources (originally sponsored by Senators Barr, Sutherland, Benitz, Vognila, DeJarnatt, Sellar, Hansen, Bauer, Patterson and Nelson)

Assisting fin fish culture facilities.

The bill was read the second time.

Ms. Rust moved adoption of the following amendment by Representatives Rust and R. King:

On page 2, after line 6, strike all material through "chapter," on line 33 and insert the following:

"Sec. 2. Section 1, chapter 71, Laws of 1955 as last amended by section 3, chapter 155, Laws of 1973 and RCW 90.48.160 are each amended to read as follows:

Any person who conducts a commercial or industrial operation of any type which results in the disposal of solid or liquid waste material into the waters of the state, including commercial or industrial operators discharging solid or liquid waste material into sewerage systems operated by municipalities or public entities which discharge into public waters of the state, shall procure a permit from either the department or the thermal power plant site evaluation council as provided in RCW 90.48.262(2) before disposing of such waste material: PROVIDED, That this section shall not apply to any person discharging domestic sewage only into a sewerage system.

The department may, through the adoption of rules, eliminate the permit requirements for disposing of wastes into publicly operated sewerage systems for:

(1) Categories of or individual municipalities or public corporations operating sewerage systems; or

(2) Any category of waste disposer;

if the department determines such permit requirements are no longer necessary for the effective implementation of this chapter. The department may by rule eliminate the permit requirements for disposing of wastes by upland fin-fish rearing facilities unless a permit is required under the federal clean water act's national pollutant discharge elimination system."

Representatives Rust and R. King spoke in favor of adoption of the amendment, and Representatives Baugher and S. Wilson opposed it.

The Speaker stated the question before the House to be the adoption of the amendment by Representatives Rust and R. King to Substitute Senate Bill No. 5561.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 49; Nays - 43. The amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. R. King spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5561 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; absent, 3; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, Kremen, Leonard, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Grant, King R, Locke - 3.
Excused: Representatives Gallagher, Meyers R - 2.

Substitute Senate Bill No. 5561 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5022, by Senators Benitz and Williams; by request of Washington Utilities and Transportation Commission

Modifying utilities and transportation commission reporting requirements.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Todd and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5022, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Meyers R - 2.

Senate Bill No. 5022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5035, by Committee on Children & Family Services (originally sponsored by Senators Kreidler, Smith, Stratton, Bauer and Rasmussen)

Providing for a program of insurance for foster parents.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 3, 1989.)

On motion of Mr. Grant, the committee amendment on page 2, line 18, was adopted.

On motion of Mr. Grant, the committee amendments on page 1, line 27, and page 2, line 10, were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5035 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Prentice - 1.

Excused: Representatives Gallagher, Meyers R - 2.

Substitute Senate Bill No. 5035 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5048, by Committee on Children & Family Services (originally sponsored by Senators Lee, Wojahn, McCaslin, Saling, Rasmussen, Talmadge, Sutherland, von Reichbauer and Nelson; by request of Legislative Budget Committee)

Extending the council for the prevention of child abuse and neglect.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 61st Day, March 10, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Human Services.

Mr. Bristow moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Bristow, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5048 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell,

Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Prentice, Vekich - 2.

Excused: Representatives Gallagher, Meyers R - 2.

Engrossed Substitute Senate Bill No. 5048 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 6076, by Senators Thorsness, Murray, Barr, Stratton, Metcalf, Saling, McCaslin, Madsen, Warnke, Anderson, Amondson and West

Creating motorcycle public awareness program.

The House resumed consideration of Engrossed Senate Bill No. 6076 on second reading. (See Journal, 86th Day, April 4, 1989, Morning Session, for previous action.)

The Speaker stated the question before the House to be the point of order by Representative Schmidt regarding the amendment by Representative P. King to the committee amendment by Committee on Transportation.

SPEAKER'S RULING

The Speaker: Representative Schmidt, Engrossed Senate Bill No. 6076 establishes a motorcycle public awareness program in the Department of Licensing. It also raises motorcycle exam and licensing fees by one dollar to fund this new program. The amendment by Representative P. King amends the motor vehicle warranty law as it applies to motorcycles. This amendment is clearly not designed to perfect the motorcycle public awareness program; rather it brings in a new subject in the treatment of motorcycles under the state lemon law. I believe it is beyond the scope and object of the bill.

The committee amendment by Committee on Transportation was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Baugher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6076 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Meyers R - 2.

Engrossed Senate Bill No. 6076 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 1737, by Committee on Appropriations (originally sponsored by Representatives H. Sommers, Locke and Appelwick; by request of Department of Labor and Industries)

Revising provisions for crime victims' compensation.

The House resumed consideration of Substitute House Bill No. 1737 on second reading. (See Journal, 85th Day, April 3, 1989, Morning Session, for previous action.)

The Speaker stated the question before the House to be the point of order by Representative Wang regarding the amendment by Representatives Fuhrman and Locke.

SPEAKER'S RULING

The Speaker: Representative Wang, Substitute House Bill No. 1737 deals with the Crime Victims' Compensation Program and makes various changes in that program. The amendment offered by Representatives Fuhrman and Locke imposes a tax on adult entertainment of eighteen percent on the retail sale of adult entertainment materials. While it could be argued that funding the program could be within the scope and object of the original bill, the Speaker finds that half the tax on the adult entertainment was dedicated to the general fund and thereby brought in a different subject. I suspect, had we found that the tax was limited to funding the Crime Victims' Compensation Program, we might have had a different ruling on this. The problem was the general fund portion of it. If it had been limited to Crime Victims' Compensation, I would probably have reached a different conclusion. I find then, Representative Wang, that your point is well taken, that the amendment is outside the scope and object of the original bill

MOTION

Ms. Brough moved that further consideration of Substitute House Bill No. 1737 be deferred and that the bill hold its place on the second reading calendar.

Mr. Ebersole spoke in favor of the motion, and it was carried.

MOTION

Mr. Heavey moved that the House consider the following bills on the second reading calendar in the following order: Substitute Senate Bill No. 5142, Senate Bill No. 5172, and Substitute Senate Bill No. 5173. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5142, by Committee on Governmental Operations (originally sponsored by Senators McCaslin, Thorsness, DeJarnatt and Rasmussen; by request of State Auditor)

Changing the year end fiscal report requirement.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cooper and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5142, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Schmidt - 1.

Excused: Representatives Gallagher, Meyers R - 2.

Substitute Senate Bill No. 5142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5172, by Senators Benitz, Williams and Nelson; by request of Washington State Energy Office

Extending utility lending of credit to equipment.

The bill was read the second time.

Mr. Jacobsen moved adoption of the following amendment by Representatives Jacobsen, Hankins and Nelson:

On page 3, after line 21 insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 19.27A RCW to read as follows: In order to improve energy efficiency in residential structures, an entity in the state of Washington engaged in the generation, sale, or distribution of energy may provide financial or other assistance for the planting of trees that will cast shade on residential structures in the summer. The assistance may be given to the owner of the residential structure or to a community group engaged in the planting of trees."

Re-number the remaining section.

Mr. Jacobsen spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 2 of the title after "54.16.280;" insert "adding a new section to chapter 19.27A RCW;"

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nelson and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5172 as amended by the House, and the bill passed the House by the following vote: Yeas, 91; nays, 1; absent, 4; excused, 2.

Voting yea: Representatives Anderson, Ballard, Basich, Braugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representative Silver - 1.

Absent: Representatives Appelwick, Dorn, Haugen, Rasmussen - 4.

Excused: Representatives Gallagher, Meyers R - 2.

Senate Bill No. 5172 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5173, by Committee on Governmental Operations (originally sponsored by Senators McCaslin, Thorsness, DeJarnatt, Hayner and Vognild; by request of State Auditor)

Relating to disclosure of improper governmental action.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Anderson moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Anderson, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5173 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brække, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Ratier, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Appelwick - 1.

Excused: Representatives Gallagher, Meyers R - 2.

Substitute Senate Bill No. 5173 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5196, by Committee on Agriculture (originally sponsored by Senators Barr, Hansen, Talmadge, Williams, Conner, Madsen, Gaspard, McMullen and Benitz; by request of Governor)

Regarding emergency drought relief.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 73rd Day, March 22, 1989.) Committee on Capital Facilities & Financing recommendation: Majority, do pass as amended by Committee on Capital Facilities & Financing without amendments by Committee on Agriculture & Rural Development. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Ms. Rayburn moved that the House not adopt the committee amendment by Committee on Agriculture & Rural Development. Representatives Rayburn and Nealey spoke in favor of the motion, and it was carried.

Ms. H. Sommers moved adoption of the committee amendment by Committee on Capital Facilities & Financing.

Ms. Rayburn moved adoption of the following amendment by Representatives Rayburn and H. Sommers to the committee amendment:

On page 11, after line 3 of the amendment, insert the following:

*Sec. 8. Section 6, chapter 343, Laws of 1987 and RCW 75.20.150 are each amended to read as follows:

All state and local agencies with authority under this chapter to issue permits or other authorizations ~~((for)) in connection with~~ emergency water withdrawals and facilities ~~((pursuant to RCW 43.83B.360 through 43.83B.345))~~ authorized under section 3 of this 1989 act shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.

Sec. 9. Section 7, chapter 343, Laws of 1987 and RCW 86.16.180 are each amended to read as follows:

All state and local agencies with authority under this chapter to issue permits or other authorizations ~~((for)) in connection with~~ emergency water withdrawals and facilities ~~((pursuant to RCW 43.83B.360 through 43.83B.345))~~ authorized under section 3 of this 1989 act shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.

Sec. 10. Section 2, chapter 47, Laws of 1988 and RCW 90.54.022 are each amended to read as follows:

(1) The director of ecology shall contract with an independent fact-finding service for the purpose of consulting with all user groups and parties interested in Washington's water resource policy, including but not limited to:

(a) The departments of ecology, agriculture, social and health services, fisheries, wildlife, and natural resources;

(b) Municipal users of water;

(c) Agricultural interests;

(d) The governor's office;

(e) Environmental interests;

(f) Interests of industrial users of water;

(g) Indian tribes;

(h) Interests of public water utilities;

(i) Interests of recreational uses other than fishing;

(j) Public and private hydropower generating utilities;

(k) Interests of sport and commercial fishing; and

(l) Interests of the forest products industry.

(2) The fact-finding service shall consult with, obtain, and document the opinions of the interested parties, and may facilitate discussions between them on the fundamentals of water resource policy and the need, if any, to change or clarify the current policy for the state. The fact-finding service shall also identify and evaluate the clarity and consistency of state water allocation laws with the current policy based on those laws.

(3) The fact-finding service shall report its findings in a written report to the joint select committee established pursuant to RCW 90.54.024. The report shall be submitted to the joint select committee by June 30, 1988, unless the committee provides for an extension of the due date.

(4) The fact-finding service and the joint select committee shall consider the reports and recommendations of state and federal studies pertaining to allocation, augmentation, conservation, and efficient use of the water resources of this state, including but not limited to the department of ecology's instream resources and water allocation program review. By considering these studies, the fact-finding service and the joint select committee shall not duplicate the work already completed in such studies.

(5) Until July 1, 1989, or until the legislature has passed legislation based on recommendations from the joint select committee, whichever comes first, the department of ecology:

(a) Shall not amend or alter the current guidelines, standards, or criteria governing the instream flow and water allocation elements of the state water resources program established pursuant to chapters 90.22 and 90.54 RCW and set forth in chapters 173-500 to 173-596 WAC;

(b) Shall not adopt any water reservation under RCW 90.54.050, set forth in chapters 173-500 to 173-596 WAC, or the preferred alternative in the instream resources and water allocation environmental impact statement; and

(c) For any new application for surface water received under chapter 90.03 RCW after March 15, 1988, shall not issue any permanent appropriation permits and may only issue new temporary appropriation permits on streams by utilizing (i) the existing minimum or base flows adopted pursuant to chapters 90.54 and 90.22 RCW or (ii) the case-by-case process to maintain food fish and game fish populations as provided in RCW 75.20.050. These water appropriations shall not reduce flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic, recreational, water quality, other environmental values, and navigational values, as provided in RCW 90.54.020 and chapters 90.03 and 90.22 RCW. These temporary permits shall be conditioned so that the appropriation may be altered based upon the enactment of legislation or adoption of regulations resulting from recommendations made pursuant to RCW 90.54.024 (3) and (4).

This subsection does not apply to any emergency water permits or transfers authorized under (~~RCW 43-83B-300 through 43-83B-344~~) section 3 of this 1989 act, and shall not affect any existing water rights established pursuant to law.

(6) The department of ecology shall provide staff support in the fact-finding process.

(7) This section shall expire on June 30, 1989.

Sec. 11. Section 5, chapter 343, Laws of 1987 and RCW 90.58.370 are each amended to read as follows:

All state and local agencies with authority under this chapter to issue permits or other authorizations (~~(for)~~ in connection with emergency water withdrawals and facilities (~~pursuant to RCW 43-83B-300 through 43-83B-345~~) authorized under section 3 of this 1989 act shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.*

Renumber the remaining sections consecutively.

Ms. Rayburn spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Representatives H. Sommers and Schoon spoke in favor of adoption of the committee amendment as amended, and it was adopted.

With consent of the House, the following amendment to the committee amendment to the title was adopted:

On page 12, line 22 of the title amendment, after "43.83B.210" and before the semicolon, insert ", 75.20.150, 86.16.180, 90.54.022, and 90.58.370"

With consent of the House, the committee amendment as amended to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5196 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Meyers R - 2.

Substitute Senate Bill No. 5196 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5231, by Senators Pullen, Madsen and Metcalf

Defining "antique firearms."

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5231, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Meyers R - 2.

Senate Bill No. 5231, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider Substitute Senate Bill No. 5265 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5265, by Committee on Transportation (originally sponsored by Senators Rasmussen and Metcalf)

Regulating certain charter boats on state water.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Natural Resources & Parks as amended with amendment by Committee on Appropriations. (For committee amendment, see Journal, 85th Day, April 3, 1989.)

Ms. Belcher moved adoption of the committee amendment by Committee on Natural Resources & Parks.

Ms. Belcher moved adoption of the committee amendment by Committee on Appropriations to the committee amendment by Committee on Natural Resources & Parks and spoke in favor of it. The committee amendment to the committee amendment was adopted.

Ms. Belcher spoke in favor of adoption of the committee amendment by Natural Resources & Parks as amended, and it was adopted.

With consent of the House, the committee amendment by Committee on Natural Resources & Parks to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5265 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Meyers R - 2.

Substitute Senate Bill No. 5265 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

The Speaker (Mr. Heavey presiding) called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:30 a.m., Tuesday, April 11, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

NINETY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, April 11, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Cantwell, Gallagher and H. Sommers. On motion of Ms. Cole, Representatives Cantwell and Gallagher were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Missie Meyer and Heather Leavitt. Prayer was offered by The Reverend Don Nicholson, Minister of the Victory Christian Center of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

April 11, 1989

On this day in 1889, well drillers in Pasco drove their well to a depth of 406 feet, including over three hundred feet of solid rock. They found water, but its flow was blocked by rock at seventy-three feet below the surface. Dynamite was expected to clear the obstruction, said the Pasco Floodlight newspaper, or else open the way to China or Hell. And Clarence Moberly, a prominent Canadian railroad man, told interviewers that Canadians were politically contented and did not wish to join the United States.

On April 11, 1897 the U.S.S. Oregon was the first battleship to be docked at the Puget Sound Naval Shipyard in Bremerton. A year later it would make its dash around South America to reach the scene of battle in the Spanish-American War.

On April 11, 1977 land clearing began at the Satsop site for a nuclear power plant supported by the Washington State Public Power Supply System.

MESSAGE FROM THE SENATE

April 10, 1989

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4412.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION AND FIRST READING

HB 2222 by Representatives Vekich, Prentice, Patrick and Leonard

AN ACT Relating to state regulatory programs; amending RCW 15.58.030, 15.58.040, 15.58.050, 15.58.060, 15.58.065, 15.58.070, 15.58.080, 15.58.110, 15.58.120, 15.58.130, 15.58.150, 15.58.160, 15.58.170, 15.58.180, 15.58.200, 15.58.210, 15.58.220, 15.58.230, 15.58.240, 15.58.250, 15.58.260, 15.58.280, 15.58.290, 15.58.330, 15.58.335, 15.58.340, 15.58.910, 17.21.020, 17.21.030, 17.21.040, 17.21.050, 17.21.070, 17.21.080, 17.21.100, 17.21.110, 17.21.122, 17.21.126, 17.21.129, 17.21.130, 17.21.140, 17.21.150, 17.21.160, 17.21.180, 17.21.190, 17.21.200, 17.21.220, 17.21.230, 17.21.240, 17.21.250, 17.21.260, 17.21.270, 17.21.280, 17.21.290, 17.21.315, 17.21.320, 17.21.910, 70.104.030, 50.04.150, 50.29.025, 50.20.100, and 50.29.062; adding new sections to chapter 15.58 RCW; adding new sections to chapter 17.21 RCW; adding new sections to chapter 49.70 RCW; adding new sections to chapter 70.104 RCW; adding a new chapter to Title 49

RCW; creating new sections; repealing RCW 15.58.190, 15.58.930, 17.21.090, 17.21.120, 17.21.124, and 17.21.205; prescribing penalties; and providing effective dates.

Referred to Committee on Commerce & Labor

The Speaker (Mr. O'Brien presiding) referred the bill listed on today's introduction sheet under the fourth order of business to the committee so designated.

The Speaker (Mr. O'Brien presiding) called on Representative Dellwo to preside.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4670, by Representatives O'Brien, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, It is fitting and proper to take a moment to reflect on a career and to praise a loyal and respected colleague, who has been a dedicated legislator and who is presently in the Humana Hospital in Tacoma; and

WHEREAS, Representative P. J. "Jim" Gallagher has been serving in the Washington State House of Representatives since 1961; and

WHEREAS, P. J. Gallagher was born in 1915 in Taylor, Washington, is a graduate of Washington State University, and a lifelong participant in the transportation industry, having served as Public Relations Officer for Selland Auto Transport, and having owned and operated a service station in Tacoma; and

WHEREAS, P. J. Gallagher has served on various committees in the House of Representatives including the Transportation, Energy and Rules Committees; and

WHEREAS, P. J. has always expressed a deep concern for his colleagues, a kindness for employees, and a loyalty to this institution, and never forgets a friend and never courts an enemy; and

WHEREAS, P. J. Gallagher has enjoyed an unblemished reputation for being a man of his word, for which there is no higher accolade for a public official; and

WHEREAS, P. J. Gallagher has devoted nearly three decades to the often thankless calling of public service, available day and night to take up the burdens of his constituents and never faltering in challenging authority at any level on their behalf; and

WHEREAS, P. J. Gallagher, to encourage thrift in youngsters, has presented House of Representatives members who have become parents and grandparents with \$10 for an account for each new baby, an amount that totals over \$2,000 to date;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize his nearly thirty years of dedicated public service and wish him a speedy recovery from his illness; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives transmit copies of this Resolution to Representative P. J. "Jim" Gallagher; to his wife, Mabel; to his children Patrick, Teresa, Michael, Robert Bruce, Gregory and Celine; and to the Precinct Officers of the 29th District of Pierce County.

Mr. O'Brien moved adoption of the resolution. Representatives O'Brien, S. Wilson, Heavey, Smith, Rasmussen, Winsley, Brough, Padden, R. King and R. Fisher spoke in favor of the resolution.

On motion of Mr. S. Wilson, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 89-4670 was adopted.

The Speaker (Mr. Dellwo presiding) called on Representative O'Brien to preside.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider Senate Bill No. 5301 on the second reading calendar. The motion was carried.

SENATE BILL NO. 5301, by Senators Williams, Lee and Rasmussen; by request of Department of Labor and Industries

Updating code specifications for factory built housing.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nutley and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5301, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Sommers H - 1.

Excused: Representatives Cantwell, Gallagher - 2.

Senate Bill No. 5301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5305, by Committee on Law & Justice (originally sponsored by Senators Madsen, Metcalf, Hansen, McDonald, Benitz, Warnke, Matson, Pullen, Amondson, West and Newhouse)

Providing immunity for equine activities.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Crane moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Crane, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5305 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; nays, 1; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller,

Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Wang - 1.

Absent: Representative Sommers H - 1.

Excused: Representatives Cantwell, Gallagher - 2.

Substitute Senate Bill No. 5305 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Cantwell and H. Sommers appeared at the bar of the House.

MOTION

Mr. Heavey moved that the House consider the following bills on the second reading calendar in the following order: Substitute Senate Bill No. 5357, Senate Bill No. 5393, Engrossed Substitute Senate Bill No. 5644, Senate Bill No. 5680, Senate Bill No. 5736, Engrossed Senate Bill No. 5756, and Engrossed Substitute Senate Bill No. 5819. The motion was carried.

MOTION

Mr. Heavey moved that the House defer consideration of Substitute Senate Bill No. 5357 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE BILL NO. 5393, by Senators Johnson, Niemi, West, Kreidler, Smitherman and Smith; by request of Higher Education Coordinating Board

Revising provisions for educational assistance for nurses.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Jacobsen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5393, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House defer consideration of Engrossed Substitute Senate Bill No. 5644 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE BILL NO. 5680, by Senators McCaslin, DeJarnatt and Thorsness; by request of State Auditor

Deleting obsolete language from the Revised Code of Washington.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5680, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5680, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5736, by Senators Bailey, Rinehart, Gaspard, Smitherman, Bender, Lee, Fleming, Metcalf, Murray, Anderson, Conner and Smith; by request of Superintendent of Public Instruction

Modifying local funding requirements for school construction.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 75th Day, March 24, 1989.) Committee on Capital Facilities & Financing recommendation: Majority, do pass as amended by Committee on Capital Facilities & Financing without amendments by Committee on Education. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Ms. H. Sommers moved adoption of the committee amendment by Committee on Capital Facilities & Financing and spoke in favor of it. The committee amendment was adopted.

On motion of Ms. H. Sommers, the committee amendment by Committee on Capital Facilities & Financing to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Peery and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5736 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5736 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5756, by Senators McCaslin, Warnke and DeJarnatt

Changing provisions relating to sureties for public works bonds.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. H. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5756, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Senate Bill No. 5756, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5819, by Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Owen, Rasmussen and Bauer)

Increasing the penalties for poaching, including seizure and forfeiture of certain personal property.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Crane moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Crane, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5819 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Substitute Senate Bill No. 5819 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House consider the following bills on the second reading calendar in the following order: Engrossed Senate Bill No. 5215, Substitute Senate Bill No. 5866, Engrossed Substitute Senate Bill No. 5018, Senate Bill No. 5887, and Engrossed Senate Bill No. 5990. The motion was carried.

ENGROSSED SENATE BILL NO. 5215, by Senators Saling, Bauer, West, Smitherman, Lee, Fleming and Rinehart; by request of Governor

Authorizing financial aid to needy students enrolled on at least a half-time basis.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, March 29, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Higher Education.

Mr. Jacobsen moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Jacobsen, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jacobsen and Van Luven spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5215 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brunsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolte, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Senate Bill No. 5215 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5866, by Committee on Governmental Operations (originally sponsored by Senators Rasmussen, Pullen and Talmadge)

Permitting the use of credit cards to pay certain taxes.

The bill was read the second time. Committee on Revenue recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 3, 1989.)

Mr. Wang moved adoption of the committee amendment.

Ms. Fraser moved adoption of the following amendment by Representatives Fraser, Haugen, Cooper and Wood to the committee amendment:

On page 7, after line 15 of the amendment, insert the following:

*Sec. 10. Section 3, chapter 87, Laws of 1970 ex. sess. as amended by section 3, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.030 are each amended to read as follows:

An owner of agricultural land desiring current use classification under subsection (2) of RCW 84.34.020 shall make application to the county assessor upon forms prepared by the state department of revenue and supplied by the county assessor. An owner of open space or timber land desiring current use classification under subsections (1) and (3) of RCW 84.34.020 shall

make application to the county legislative authority upon forms prepared by the state department of revenue and supplied by the county assessor. The application shall be accompanied by a reasonable processing fee if such processing fee is established by the city or county legislative authority (~~but that such fee may not exceed thirty dollars for each application. PROVIDED, That if the application is not approved, then the application fee shall be returned to the applicant~~). Said application shall require only such information reasonably necessary to properly classify an area of land under this (~~1973 amendatory act~~) chapter with a notarized verification of the truth thereof and shall include a statement that the applicant is aware of the potential tax liability involved when such land ceases to be designated as open space, farm and agricultural or timber land. Applications must be made during the calendar year preceding that in which such classification is to begin. The assessor shall make necessary information, including copies of this chapter and applicable regulations, readily available to interested parties, and shall render reasonable assistance to such parties upon request."

Renumber the sections consecutively and correct internal references accordingly.

Representatives Fraser and Wood spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Representatives Wang and Holland spoke in favor of the committee amendment as amended, and it was adopted.

With consent of the House, the following amendment to the committee amendment to the title was adopted:

On page 35, line 13 of the title amendment, after "84.09.035," insert "84.34.030."

On motion of Mr. Wang, the committee amendment as amended to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5866 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; nays, 4; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Bowman, Fuhrman, Padden, Wolfe - 4.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5866 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5018, by Committee on Agriculture (originally sponsored by Senators Newhouse, Vognild, Barr, Hansen, Benitz and Rasmussen; by request of Secretary of State)

Revising provisions for cooperative associations.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 73rd Day, March 22, 1989.)

Ms. Rayburn moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Ms. Rayburn, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5018 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Substitute Senate Bill No. 5018 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5887, by Senators DeJarnatt and Smith

Allowing boards of county commissioners to appoint representatives to air pollution control authorities.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Rust spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5887, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5887, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5990, by Senators Johnson, Moore and McCaslin

Limiting taxes on resale of network telephone service.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Pruitt and Holland spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5990, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips,

Prentice, Prince, Pruitt, Ratter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Senate Bill No. 5990, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Mr. Heavey, the House advanced to the eighth order of business.

MOTION FOR RECONSIDERATION

Mr. Heavey, having voted on the prevailing side, moved that the House immediately reconsider the vote by which Engrossed Substitute Senate Bill No. 5713 passed the House.

Representatives Heavey and Brough spoke in favor of the motion, and it was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5713 AS AMENDED BY THE HOUSE, by Committee on Health Care & Corrections (originally sponsored by Senators West, Kreidler and Wojahn; by request of Department of Social and Health Services)

Providing for licensure of medical test sites.

On motion of Mr. Heavey, the rules were suspended and the bill was returned to second reading for purpose of amendment.

MOTION FOR RECONSIDERATION

Mr. Heavey, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the committee amendment by Committee on Commerce & Labor as amended was adopted by the House. The motion was carried.

MOTION FOR RECONSIDERATION

Mr. Heavey, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the committee amendment by Committee on Appropriations to the committee amendment by Committee on Commerce & Labor was adopted by the House. The motion was carried.

MOTION

Mr. Heavey moved that the House do not adopt the committee amendment by Committee on Appropriations to the committee amendment by Commerce & Labor. The motion was carried.

On motion of Mr. Heavey, the following committee amendment by Committee on Appropriations to the committee amendment by Committee on Commerce & Labor was adopted:

On page 16, beginning on line 9 of the striking amendment, strike sections 25 and 26

Reumber the remaining sections consecutively and correct internal references accordingly

On motion of Mr. Heavey, the committee amendment by Committee on Commerce & Labor as amended was adopted.

With consent of the House, the committee amendment by Commerce & Labor to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on reconsideration of final passage of Engrossed Substitute Senate Bill No. 5713 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell,

Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Mary, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Substitute Senate Bill No. 5713 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Ms. Brough moved that the Committee on Rules be relieved of House Joint Resolution No. 4205 and the resolution be placed on the second reading calendar.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

JOINT SESSION

The Sergeant at Arms announced the arrival of the Senate at the bar of the House.

The Speaker (Mr. O'Brien presiding) instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor Joel Pritchard, President Pro Tempore Alan Bluechel, Vice President Pro Tempore Ellen Craswell, Majority Leader Jeannette Hayner and Democratic Leader Larry Vognild to seats on the rostrum.

The Speaker (Mr. O'Brien presiding) invited the Senators to seats within the House Chamber.

The Speaker (Mr. O'Brien presiding) presented the gavel to President Pritchard.

REMARKS BY THE SPEAKER

The Speaker (Mr. O'Brien presiding): It is my pleasure to give you, Lieutenant Governor Pritchard, the gavel to preside over this Joint Session. It is a great pleasure to have you here.

The Secretary of the Senate called the roll of the Senate and all members were present, except Senators DeJarnatt and Hansen, who were excused.

The Clerk of the House called the roll of the House and all members were present except Representative Gallagher, who was excused.

The President of the Senate appointed Senators Saling, Nelson and McMullen and Representatives Haugen, Zellinsky and Prince as a special committee to advise His Excellency, Governor Booth Gardner, that the Joint Session had assembled and to escort the Governor and His Excellency, Premier William Vander Zalm from the Governor's Chambers to seats on the rostrum of the House.

The President of the Senate introduced Governor Booth Gardner.

Governor Gardner: It is my honor and opportunity to introduce to all of you today the Premier of British Columbia, William Vander Zalm. About a year ago we met on an informal basis and agreed, despite the fact that there is a national border between us, that, in fact, the Province of British Columbia and the State of Washington have a great deal in common, and we should begin to take advantage of the commonality and work, both on a formal and informal basis, to strengthen the relationship between the two of us.

We began with a visit that I took to Victoria last April. We started an arrangement on economic cooperation, which dealt with the issues of tourism, trade and investment and began, at that time, to work closely together on those issues. We have since worked further and have signed, this morning, an arrangement on

energy, with which we will track energy trends, talk about energy trade and figure out how we can work more closely on issues of that nature. We also have working, between the Province of British Columbia and the State of Washington, a group of people who are dealing with environmental issues, so that we can respond in coordination with one another to any circumstances or disasters which may occur that affect the people of our two communities. In June, on a visit that I will take to British Columbia, we will sign an arrangement on environmental cooperation.

The Premier is here to discuss this and other issues with us, and I would like to brief you on his background. Bill Vander Zalm is a native of Europe and immigrated to Canada at the age of twelve. His family was in the nursery business, and he and his sons developed a facility called Fantasy Garden World in Richmond, British Columbia, which is one of the premier tourist attractions in that province. It is a major tourist attraction which many of you have passed, because it is just off the main highway as we travel north. He got involved in local government with the Surrey Municipal Council and became an Alderman and, subsequently, Mayor. In 1975 he was elected to the Provincial Legislature, and in 1986 he became Premier of British Columbia. It is my pleasure and honor to introduce to you the Premier of British Columbia, William Vander Zalm.

Premier Vander Zalm: Governor Gardner, Mr. President, Mr. Speaker, members of the House and Senate of Washington: I am delighted to be here in this, the year that marks the one-hundredth anniversary of Washington statehood. I should begin by saying, as well, that I didn't ask the Governor to give the little commercial at the beginning with the introduction. I think I should state that for the British Columbia media. I was not aware that it was coming, but I thank you, Mr. Governor.

All British Columbians, I know, join me in saluting the achievements and progress that have made this proud State of Washington one of the greatest favored regions, both in terms of economic growth and livability, in the United States. I would be remiss if I neglected to note the other historic event of 1989—the beginning of a great, new era of trade between Canada and the United States—as a result of the passage of the Free Trade Act. The result for both our nations will be increased trade, increased development, and increased security for our people. This historic agreement offers challenges and opportunities in many areas where cooperation is possible. Working together, taking advantage of the new avenues offered to us by the agreement, we can raise the level of prosperity on both sides of our borders to new heights.

We have made a good beginning. On January 4, Washington and British Columbia signed an economic cooperation agreement, inaugurating the Pacific Northwest Economic Partnership. This agreement is designed to identify, communicate and implement trade opportunities between British Columbia and Washington State. In two meetings, to date, the joint committee, established under the agreement, has identified aerospace, aquaculture, apparel, biotechnology, general manufacturing, the computer industry, and ocean industry as priority areas for possible joint activity. In addition, a Pacific Northwest Economic Partnership newsletter has been created to communicate trade and business opportunities to companies and businesses in both Washington State and British Columbia. To access and to share data bases, companies on both sides of the border will be able to conduct accurate market research. It will spell out such valuable demographic information as populations, plants, distributors and agents, and prospects for new customers.

Such progress is extremely encouraging, and I am pleased to announce that earlier today, as he has already stated, the Governor and I signed yet another agreement, this one involving energy. It is aimed at improving our information exchange, cooperation and encouraging mutual, beneficial trade. Implicit in this agreement is that, while we welcome such trade, it must perfect and enhance the quality of the environment in the Pacific Northwest. As Premier of British Columbia, I am also enthusiastic about expanding our joint and cooperative efforts to improve and broaden environmental management. We have much to learn from each other in terms of waste removal and the movements of dangerous goods, to name only two areas of mutual concern. Two recent environmental events, the Grays

Harbor and Exxon Valdez oil spills, have demonstrated clearly that, in such instances, national boundaries are meaningless. Ecological disasters, such as major oil spills, do not respect the lines on maps, but define our jurisdictions here in the Pacific Northwest. Without real cooperation and without meaningful, joint strategies to deal with disasters, we, like the helpless wildlife victimized by oil spills, will sink together, rather than swim. In recognition of this fact, I am pleased that Washington and British Columbia have taken the first steps to deal with this kind of threat to our shared environment. Following the Grays Harbor spill, we established an Oil Spill Task Force to seek ways to improve our cooperation and means of handling such spills. Our goal must be not only to ensure that the risk of repetition is reduced, but also, should a disaster strike again, that our joint capacity to act is swift and sure. We have encouraged our northern and southern neighbors, Alaska, Oregon and California, to join us in this project, for, as is clear today, we are all vulnerable.

Both Washington and B.C. are rich in natural resources; our forestry, fishing, agricultural and mining industries are the backbones of our economies. Both of us, though, are also very much at the forefront of the rapidly changing world economy. Riding the new waves of knowledge-based industries, your strengths in aerospace and computers are well known. British Columbia and Washington have a mutual interest in economic diversification and in training our workforce to meet the future needs of society and moving to more knowledge-based industries. In B.C. we are proud of our burgeoning subsea engineering and information technology industries. In basic science, too, we are enthusiastic about initiatives for advanced experimentation in subatomic physics. These projects are some of the world's most exciting and promising scientific initiatives. On any given day, four hundred scientists from as many as twenty-six nations, including imminent scientists from here in Washington, are working to unlock the secrets of particle physics and to throw open the door to a whole new frontier of scientific discovery. The potential benefits are immense, like painless picture-taking inside the living brain and new technologies in cancer treatment. The projects will put us at the forefront of research into brain disorders, like Parkinson's and Alzheimer's diseases. In the field of high temperature superconductors, the project offers the promise of developments like super-fast computers and three-hundred-mile per hour trains. We can visualize enormous savings in electricity bills, because electricity will move without line loss due to resistance. Other medical and economic benefits are likely in a range that scientists themselves have yet to assess fully.

Progress such as this offers opportunities for even closer cooperation between us. Ladies and gentlemen, British Columbians look on the people of Washington State as great neighbors in the best sense of the word. Our relationship has stood the test of time, because we have so much in common. Bound together by geography and a shared love and respect for the natural beauty and economic potential of the Pacific Northwest, we can accomplish much together. I know many of my compatriots will take the opportunity to visit Washington to share in your centennial year celebrations. In turn, I hope many Washingtonians will reciprocate by visiting British Columbia, and in particular, the Air Show Canada set for August 9-13. Let me assure you in advance of a very warm welcome. We always appreciate visiting Washington State, and I thank you for the opportunity today. Let us from here continue to go forward as good neighbors, willing to work together to reach our common goals. Thank you.

The President of the Senate instructed the special committee to escort Governor Gardner and Premier Vander Zalm from the House Chambers.

MOTION

On motion of Mr. Ebersole, the Joint Session was dissolved.

The President of the Senate returned the gavel to the Speaker (Mr. O'Brien presiding).

The Speaker (Mr. O'Brien presiding) instructed the Sergeants at Arms of the House and the Senate to escort Lieutenant Governor Joel Pritchard, President of the Senate, President Pro Tempore Alan Bluechel, Vice President Pro Tempore Ellen Craswell, Majority Leader Jeannette Hayner, Democratic Leader Larry Vognild and members of the Washington State Senate from the House Chamber.

MOTION

On motion of Mr. Ebersole, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The Speaker called the House to order at 1:30 p.m. The Clerk called the roll, and all members were present except Representatives Gallagher and Locke. With consent of the House, Representative Gallagher was excused.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1010,
 HOUSE BILL NO. 1024,
 HOUSE BILL NO. 1026,
 HOUSE BILL NO. 1038,
 SUBSTITUTE HOUSE BILL NO. 1039,
 HOUSE BILL NO. 1049,
 SUBSTITUTE HOUSE BILL NO. 1168,
 SUBSTITUTE HOUSE BILL NO. 1169,
 HOUSE BILL NO. 1170,
 HOUSE BILL NO. 1249,
 SUBSTITUTE HOUSE BILL NO. 1259,
 HOUSE BILL NO. 1289,
 HOUSE BILL NO. 1350,
 HOUSE CONCURRENT RESOLUTION NO. 4412,
 SUBSTITUTE SENATE BILL NO. 5213,
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8001.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

The Speaker stated the question before the House to be the motion by Ms. Brough to relieve Committee on Rules of House Joint Resolution No. 4205 and place the resolution on the second reading calendar.

Mr. May demanded an electric roll call vote, and the demand was sustained.

Representatives Brough and Ballard spoke in favor of the motion, and Representatives Ebersole and Wang opposed it. Mr. Ballard again spoke in favor of the motion, and Mr. Ebersole again opposed it.

ROLL CALL

The Clerk called the roll on the motion by Representative Brough to relieve Committee on Rules of House Joint Resolution No. 4205 and place the resolution on the second reading calendar, and the motion was not carried by the following vote: Nays, 96; absent, 1; excused, 1.

Voting nay: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Vaile, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Locke - 1.

Excused: Representative Gallagher - 1.

Representative Locke appeared at the bar of the House.

MOTION

Mr. Heavey moved that the House consider the following bills on the second reading calendar in the following order: Second Substitute Senate Bill No. 5372, Substitute Senate Bill No. 5859, Engrossed Substitute Senate Bill No. 6033, Senate

Joint Memorial No. 8011, and Senate Concurrent Resolution No. 8412. The motion was carried.

SECOND SUBSTITUTE SENATE BILL NO. 5372, by Committee on Ways & Means (originally sponsored by Senators Bluechel, Moore, Nelson, Conner, Owen and Talmadge)

Revising laws concerning recreational boating.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Natural Resources & Parks.

Ms. Belcher moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Ms. Belcher, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Belcher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5372 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Raryburn, Rector, Rust, Saryan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Second Substitute Senate Bill No. 5372 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider the following bills on the second reading calendar in the following order: Engrossed Substitute Senate Joint Resolution No. 8202 and Engrossed Substitute Senate Bill No. 5186. The motion was carried.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 8202, by Committee on Law & Justice (originally sponsored by Senators Pullen, Talmadge, McCaslin, Thorsness, Rasmussen and Benitz)

Amending the Constitution to change provisions relating to the commission on judicial conduct.

The resolution was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Appelwick moved adoption of the committee amendment.

The Clerk read the following amendment by Mr. R. Meyers to the committee amendment:

On page 1, line 23 of the Judiciary Committee amendment, strike "six" and insert "four"

With consent of the House, Mr. R. Meyers withdrew the amendment to the committee amendment.

Mr. R. Meyers moved adoption of the following amendment to the committee amendment:

On page 1, line 25 of the Judiciary Committee amendment, strike "and confirmed by the senate"

Representatives R. Meyers, Appelwick, Padden and Crane spoke in favor of adoption of the amendment to the committee amendment, and Ms. Brough opposed it. The amendment to the committee amendment was adopted.

The Clerk read the following amendment by Representative R. Meyers to the committee amendment:

On page 4, line 5 of the Judiciary Committee amendment, after "may" strike everything through "decision" on line 26 and insert "appeal the action of the commission to the supreme court on such grounds as may be provided by law"

With consent of the House, Representative R. Meyers withdrew the amendment to the committee amendment.

Mr. Appelwick moved adoption of the following amendments by Representatives Appelwick and Padden to the committee amendment:

On page 2, line 11 of the Judiciary Committee amendment, strike "investigation" and insert "initial proceedings"

On page 2, line 14 of the Judiciary Committee amendment, strike "investigation" and insert "initial proceedings"

Representatives Appelwick and Padden spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Appelwick moved adoption of the following amendments by Representatives Appelwick and Padden to the committee amendment:

On page 4, line 5 of the Judiciary Committee amendment, after "justice" strike everything through "decision" on line 26 and insert "shall have a right of appeal de novo to the supreme court"

Representatives Appelwick and Padden spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Crane moved adoption of the following amendment by Representatives Crane and P. King to the committee amendment:

On page 5, after line 35 of the Judiciary Committee amendment insert:

"(1) The rules committee of either house of the legislature, or both committees jointly, may subpoena any member of the commission, any witness who appeared before the commission, any other witness the committee or committees deem pertinent to their inquiry, or the records of any proceeding of the commission, with respect to any action of the commission, including any action taken before the effective date of this provision. Any hearing resulting from the use of a subpoena shall be open to the public. No rule of the commission, supreme court or legislature shall supersede this provision."

POINT OF ORDER

Mr. Appelwick: I would ask the Speaker to rule on the scope and object of the amendment before us.

SPEAKER'S RULING

The Speaker: Representative Appelwick, the Speaker has examined Engrossed Substitute Senate Joint Resolution No. 8202 and finds that it does just exactly what the title says it does. It amends the Constitution to change provisions relating to the Commission on Judicial Conduct. I find that the amendment deals with the subpoena powers of the House of Representatives. I find that the amendment clearly does not perfect the bill, but brings a new subject, the subpoena powers of the House of Representatives, into a bill that deals with the powers and duties of the Judicial Conduct Commission. That would be a subject for a separate bill. I find, Representative Appelwick, that your point is well taken, that the amendment is outside the scope and object of the original bill.

Mr. Appelwick moved adoption of the following amendments to the committee amendment:

On page 2, line 5 of the Judiciary Committee amendment, strike "confidential"

On page 2, line 10 of the Judiciary Committee amendment, after "belief," insert "The investigation and initial proceedings shall be confidential."

Mr. Appelwick spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Appelwick moved adoption of the following amendments to the committee amendment:

On page 1, line 8, after "31." strike all material through "commission." on line 19

On page 2, after line 27, insert the following:

"(1) There shall be a commission on judicial conduct, existing as an independent agency of the judicial branch, and consisting of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the district court judges, two persons admitted to the practice of law in this state selected by the state bar association, and six persons who are not attorneys appointed by the governor.

(2) Whenever the commission receives a complaint against a judge or justice, or otherwise has reason to believe that a judge or justice should be admonished, reprimanded, censured, suspended, removed, or retired, the commission shall first investigate the complaint or belief and then conduct initial proceedings for the purpose of determining whether probable cause exists for conducting a public hearing or hearings to deal with the complaint or belief. The investigation and initial proceedings shall be confidential. Upon beginning an initial proceeding, the commission shall notify the judge or justice of the existence of and basis for the initial proceeding.

(3) Whenever the commission concludes, based on an initial proceeding, that there is probable cause to believe that a judge or justice has violated a rule of judicial conduct or that the judge or justice suffers from a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties, the commission shall conduct a public hearing or hearings and shall make public all those records of the initial proceeding that provide the basis for its conclusion. If the commission concludes that there is not probable cause, it shall notify the judge or justice of its conclusion.

(4) Upon the completion of the hearing or hearings, the commission in open session shall either dismiss the case, or shall admonish, reprimand, or censure the judge or justice, or shall censure the judge or justice and recommend to the supreme court the suspension or removal of the judge or justice, or shall recommend to the supreme court the retirement of the judge or justice. The commission may not recommend suspension or removal unless it censures the judge or justice for the violation serving as the basis for the recommendation. The commission may recommend retirement of a judge or justice for a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties.

(5) Upon the recommendation of the commission, the supreme court may suspend, remove, or retire a judge or justice. The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a removed judge or justice shall cease. The supreme court shall specify the effect upon salary when it suspends a judge or justice. The supreme court may not suspend, remove, or retire a judge or justice until the commission, after notice and hearing, recommends that action be taken, and the supreme court conducts a hearing, after notice, to review commission proceedings and findings against the judge or justice.

(6) Within thirty days after the commission admonishes, reprimands, or censures a judge or justice, the judge or justice shall have a right of appeal de novo to the supreme court.

(7) Any matter before the commission or supreme court may be disposed of by a stipulation entered into in a public proceeding. The stipulation shall be signed by the judge or justice and the commission or court. The stipulation may impose any terms and conditions deemed appropriate by the commission or court. A stipulation shall set forth all material facts relating to the proceeding and the conduct of the judge or justice.

(8) Whenever the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended immediately, with salary, from his or her judicial position until a final determination is made by the supreme court.

(9) The legislature shall provide for commissioners' terms of office and compensation. The commission shall employ one or more investigative officers with appropriate professional training and experience. The investigative officers of the commission shall report directly to the commission. The commission shall also employ such administrative or other staff as are necessary to manage the affairs of the commission.

(10) The commission shall, to the extent that compliance does not conflict with this section, comply with laws of general applicability to state agencies with respect to rule-making procedures, and with respect to public notice of and attendance at commission proceedings other than initial proceedings. The commission shall establish rules of procedure for commission proceedings including due process and confidentiality of proceedings."

With consent of the House, Representative Appelwick withdrew the amendments to the committee amendment.

The committee amendment as amended was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives Padden, R. Meyers, Brough and Appelwick spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Joint Resolution No. 8202 as amended by the House, and the resolution passed the House by the following vote: Yeas, 93; nays, 3; absent, 1; excused, 1.

Voting yeas: Representatives Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslie, Jacobsen, Jesernig, Jones, King P, King R, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nays: Representatives Anderson, Baugher, Vekich - 3.

Absent: Representative Kremen - 1.

Excused: Representative Gallagher - 1.

Engrossed Substitute Senate Joint Resolution No. 8202 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5186, by Committee on Law & Justice (originally sponsored by Senators Pullen, Talmadge, McCaslin, Nelson, Thorsness and Rasmussen)

Changing provisions relating to the commission on judicial conduct.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Appelwick moved adoption of the committee amendment.

On motion of Mr. R. Meyers, the following amendment to the committee amendment was adopted:

On page 4, line 27 of the Judiciary Committee striking amendment, strike "and confirmed by the senate" and insert "(~~and confirmed by the senate~~)"

Mr. Appelwick moved adoption of the following amendment to the committee amendment:

On page 6, line 14 of the Judiciary Committee striking amendment beginning with "Upon" strike everything through "apply" on line 19 and insert "As of the date of a public hearing, all those records of the initial proceeding that were the basis of a finding of probable cause are subject to the public disclosure requirements of chapter 42.17 RCW"

Mr. Appelwick spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The Clerk read the following amendment by Representative R. Meyers to the committee amendment:

On page 7, after line 22 of the Judiciary Committee striking amendment insert:

NEW SECTION. Sec. 10 A new section is added to chapter 2.64 to read as follows:

(b) Within thirty days after the commission admonishes, reprimands or censures a judge or justice, the judge or justice may petition the supreme court to have the action of the commission reversed or modified. The supreme court may reverse or modify the commission's action if substantial rights of the judge or justice have been prejudiced because the commission's findings, inferences, conclusions, or decisions are:

(a) In violation of constitutional provisions; or

(b) In excess of the authority or jurisdiction of the commission; or

(c) Made upon unlawful procedure; or

(d) Affected by other error of law; or

(e) Clearly erroneous in view of the entire record and the public policy contained in the law authorizing the decision; or

(f) Affected by error of fact."

Renumber the remaining sections consecutively.

With consent of the House, Representative R. Meyers withdrew the amendment to the committee amendment.

Mr. Crane moved adoption of the following amendment by Representatives Crane and P. King to the committee amendment:

On page 7, after line 22 of the Judiciary Committee striking amendment insert:

***NEW SECTION.** Sec. 10 A new section is added to chapter 2.64 to read as follows:

The rules committee of either house of the legislature, or both committees jointly, may subpoena any member of the commission, any witness who appeared before the commission, any other witness the committee or committees deem pertinent to their inquiry, or the records of any proceeding of the commission, with respect to any action of the commission, including any action taken before the effective date of this provision. Any hearing resulting from the use of a subpoena shall be open to the public. No rule of the commission, supreme court or legislature shall supersede this provision.*

Renumber the remaining sections consecutively.

POINT OF ORDER

Mr. Appelwick: I would ask the Speaker to rule on the scope and object, as with the constitutional amendment.

SPEAKER'S RULING

The Speaker: Representative Appelwick, the case is very similar to the last point that you raised. Engrossed Substitute Senate Bill No. 5186 deals with the scope, duties and powers of the Judicial Conduct Commission and implements the constitutional amendment. The amendment deals with legislative subpoena powers. I find your point is well taken and the amendment is outside the scope and object of the original bill.

The Clerk read the following amendment by Representative Appelwick to the committee amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 268, Laws of 1981 as amended by section 1, chapter 186, Laws of 1987 and RCW 2.64.010 are each amended to read as follows:

((For purposes of this chapter.)) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Admonishment' means a written disposition of an advisory nature that cautions a judge or justice not to engage in certain proscribed behavior. An admonishment may include a requirement that the judge or justice follow a specified corrective course of action.

(2) 'Censure' means a written action of the commission that requires a judge or justice to appear personally before the commission, and that finds that conduct of the judge or justice violates a rule of judicial conduct, detrimentally affects the integrity of the judiciary, undermines public confidence in the administration of justice, and may or may not require a recommendation to the supreme court that the judge or justice be suspended or removed. A censure shall include a requirement that the judge or justice follow a specified corrective course of action.

(3) 'Commission' means the commission on judicial conduct provided for in Article IV, section 31 of the state Constitution, which is authorized to recommend to the supreme court, after notice and hearing, the ((censure,)) suspension or removal of a judge or justice for violating a rule of judicial conduct, or the retirement of a judge or justice for disability ((which is permanent, or likely to become permanent, and which seriously interferes with the performance of judicial duties. For purposes of this chapter, the term));

(4) 'Judge or justice' includes justices of the supreme court, judges of the court of appeals, judges of the superior courts, judges of any court organized under Titles 3 or 35 RCW, judges pro tempore, court commissioners, and magistrates.

(5) 'Removal' means a written recommendation by the commission and a finding by the supreme court that the conduct of a judge or justice is a violation of a rule of judicial conduct and seriously impairs the integrity of the judiciary and substantially undermines the public confidence in the administration of justice to such a degree that the judge or justice should be relieved of all duties of his or her office.

(6) 'Reprimand' means a written action of the commission that requires a judge or justice to appear personally before the commission, and that finds that the conduct of the judge or justice is a minor violation of the code of judicial conduct and does not require censure or a formal recommendation to the supreme court that the judge or justice be suspended or removed. A reprimand shall include a requirement that the judge or justice follow a specified corrective course of action.

(7) 'Retirement' means a written recommendation by the commission and a finding by the supreme court that a judge or justice has a disability which is permanent, or likely to become permanent, and that seriously interferes with the performance of judicial duties.

(8) 'Suspension' means a written recommendation by the commission and a finding by the supreme court that the conduct of a judge or justice is a violation of a rule of judicial conduct and seriously impairs the integrity of the judiciary and substantially undermines the public confidence in the administration of justice to such a degree that the judge or justice should be relieved of the duties of his or her office by the court for a specified period of time, as determined by the court.

This chapter shall apply to any judge or justice, regardless of whether the judge or justice serves full time or part time, and regardless of whether the judge or justice is admitted to practice law in this state.

Sec. 2. Section 3, chapter 268, Laws of 1981 as amended by section 2, chapter 186, Laws of 1987 and RCW 2.64.020 are each amended to read as follows:

The commission shall consist of ~~((nine))~~ eleven members. One member shall be a judge selected by and from the court of appeals judges; one member shall be a judge selected by and from the superior court judges; one member shall be a judge selected by and from the district court judges; two members shall be selected by the state bar association and be admitted to the practice of law in this state; and ~~((four))~~ six members shall be nonlawyers appointed by the governor ~~((and confirmed by the senate))~~. The term of each member of the commission shall be four years.

Sec. 3. Section 6, chapter 268, Laws of 1981 and RCW 2.64.050 are each amended to read as follows:

The commission may employ ~~((any))~~ personnel, including ((lawyers)) attorneys, and make any other expenditures necessary for the effective performance of its duties and the exercise of its powers. The commission may hire attorneys or others by personal service contract to conduct initial proceedings regarding a complaint against a judge or justice. Commission employees shall be exempt from the civil service law, chapter 41.06 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 2.64 RCW to read as follows:

The commission is authorized to impose the following disciplinary actions, in increasing order of severity: (a) Admonishment; (b) reprimand; or (c) censure. If the conduct of the judge or justice warrants more severe disciplinary action, the commission may recommend to the supreme court the suspension or removal of the judge or justice.

NEW SECTION. Sec. 5. A new section is added to chapter 2.64 RCW to read as follows:

The commission is authorized to investigate and consider for probative value any conduct that may have occurred prior to, on, or after December 4, 1980, by a person who was, or is now, a judge or justice when such conduct relates to a complaint filed with the commission against the same judge or justice.

NEW SECTION. Sec. 6. A new section is added to chapter 2.64 RCW to read as follows:

All pleadings, papers, evidence records, and files of the commission, including complaints and the identity of complainants, compiled or obtained during the course of an investigation or initial proceeding involving the discipline or retirement of a judge or justice, are exempt from the public disclosure requirements of chapter 42.17 RCW during such investigation or initial proceeding. As of the date of a public hearing, all those records of the initial proceeding that were the basis of a finding of probable cause are subject to the public disclosure requirements of chapter 42.17 RCW.

NEW SECTION. Sec. 7. A new section is added to chapter 2.64 RCW to read as follows:

The adjudicative proceedings, judicial review, and civil enforcement provisions of chapter 34.05 RCW, the administrative procedure act, do not apply to any investigations, initial proceedings, public hearings, or executive sessions involving the discipline or retirement of a judge or justice.

NEW SECTION. Sec. 8. A new section is added to chapter 2.64 RCW to read as follows:

The commission is subject to the open public meetings act, chapter 42.30 RCW. However, investigations, initial proceedings, public hearings, and executive sessions involving the discipline or retirement of a judge or justice are governed by this chapter and Article IV, section 31 of the state Constitution and are exempt from the provisions of chapter 42.30 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 2.64 RCW to read as follows:

The commission shall provide by rule for confidentiality of its investigations and initial proceedings in accordance with Article IV, section 31 of the state Constitution.

Any person violating a rule on confidentiality is subject to a proceeding for contempt in superior court.

NEW SECTION. Sec. 10. The following acts or parts of act are each repealed:

- (1) Section 4, chapter 186, Laws of 1987 and RCW 2.64.091; and
- (2) Section 12, chapter 268, Laws of 1981, section 5, chapter 186, Laws of 1987 and RCW 2.64.110.

NEW SECTION. Sec. 11. This act shall take effect upon the effective date of an amendment to Article IV, section 31 of the state Constitution making changes to the commission on judicial

conduct. If such amendment is not validly submitted to and approved and ratified by the voters at a general election held in November 1989, this act shall be null and void in its entirety."

With consent of the House, Representative Appelwick withdrew the amendment to the committee amendment.

The committee amendment as amended was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Appelwick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5186 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insløe, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Substitute Senate Bill No. 5186 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Heavey, the House recessed until 7:00 p.m.

EVENING SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 7:00 p.m. The Clerk called the roll and all members were present except Representatives Beck, Gallagher, Prince and H. Sommers. On motion of Ms. Miller, Representatives Beck and Prince were excused. With consent of the House, Representative Gallagher was excused.

MESSAGES FROM THE SENATE

April 5, 1989

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5037,
SENATE BILL NO. 5046,
SUBSTITUTE SENATE BILL NO. 5099,
SENATE BILL NO. 5152,
SUBSTITUTE SENATE BILL NO. 5214,
SUBSTITUTE SENATE BILL NO. 5266,
SENATE BILL NO. 5580,
SENATE BILL NO. 5617,
SUBSTITUTE SENATE BILL NO. 5733,
SUBSTITUTE SENATE BILL NO. 5786,
SUBSTITUTE SENATE BILL NO. 5807,
SUBSTITUTE SENATE BILL NO. 5838,
SENATE BILL NO. 5874,
SUBSTITUTE SENATE BILL NO. 6003,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

April 6, 1989

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5213,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8001,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

April 10, 1989

Mr. Speaker:

The Senate concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5009, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 10, 1989

Mr. Speaker:

The Senate concurred in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 5011, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 10, 1989

Mr. Speaker:

The Senate concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5033, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 10, 1989

Mr. Speaker:

The Senate concurred in the House amendments to ENGROSSED SENATE BILL NO. 5090, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 10, 1989

Mr. Speaker:

The Senate concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 5138, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 10, 1989

Mr. Speaker:

The Senate concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5234, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 10, 1989

Mr. Speaker:

The Senate concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 5252, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 10, 1989

Mr. Speaker:

The Senate concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5362, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 10, 1989

Mr. Speaker:

The Senate concurred in the House amendment to SENATE BILL NO. 5403, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 10, 1989

Mr. Speaker:

The Senate concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5419, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 10, 1989

Mr. Speaker:

The Senate concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5441, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 10, 1989

Mr. Speaker:

The Senate concurred in the House amendments to SENATE BILL NO. 5464, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 10, 1989

Mr. Speaker:

The Senate concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5472, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 10, 1989

Mr. Speaker:

The Senate concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5481, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 10, 1989

Mr. Speaker:

The Senate concurred in the House amendments to ENGROSSED SENATE BILL NO. 5715, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

There being no objection, the House advanced to the fifth order of business.

REPORT OF STANDING COMMITTEE

April 6, 1989

HB 2221 Prime Sponsor, Representative Braddock: Creating a department of health. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Cantwell, Morris, Prentice, Sprenkle and Vekich.

MINORITY recommendation: Do not pass. Signed by Representatives Brooks, Ranking Republican Member; Chandler and Wolfe.

Passed to Committee on Rules for second reading.

The Speaker (Mr. O'Brien presiding) referred the bill listed on today's committee report under the fifth order of business to the committee so designated.

There being no objection, the House advanced to the eighth order of business.

MOTION

On motion of Mr. Heavey, Senate Bill No. 5169 was referred from Committee on Revenue to Committee on Human Services.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House consider the following bills on the second reading calendar in the following order: Substitute Senate Bill No. 5859, Engrossed Substitute Senate Bill No. 6033, Senate Joint Memorial No. 8011, Senate Concurrent Resolution No. 8412, and Substitute Senate Bill No. 5357. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5859, by Committee on Education (originally sponsored by Senators Gaspard, Lee, Murray and Bailey)

Regarding the school directors' association.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. G. Fisher moved adoption of the committee amendment on page 2, after line 8, and spoke in favor of it. The committee amendment was adopted.

Mr. G. Fisher moved adoption of the committee amendments on page 2, lines 23 and 24 and spoke in favor of them. The committee amendments were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives G. Fisher, Betrozoff and Schoon spoke in favor of passage of the bill, and Mr. Ebersole opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5859 as amended by the House, and the bill passed the House by the following vote: Yeas, 90; nays, 4; absent, 1; excused, 3.

Voting yea: Representatives Appelwick, Ballard, Basich, Baugher, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ferguson, Fisher G, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Mary, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Anderson, Ebersole, Fisher R, Jacobsen - 4.

Absent: Representative Sommers H - 1.

Excused: Representatives Beck, Gallagher, Prince - 3.

Substitute Senate Bill No. 5859 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Prince appeared at the bar of the House.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6033, by Committee on Energy & Utilities (originally sponsored by Senators Benitz and Stratton)

Terminating the powers and duties of the nuclear waste board and the nuclear waste advisory board.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Nelson moved adoption of the committee amendment. Representatives Nelson and Hankins spoke in favor of adoption of the committee amendment, and it was adopted.

On motion of Mr. Nelson, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6033 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen,

Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Sommers H - 1.

Excused: Representatives Beck, Gallagher - 2.

Engrossed Substitute Senate Bill No. 6033 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Beck appeared at the bar of the House.

SENATE JOINT MEMORIAL NO. 8011, by Senators Metcalf and Owen

Requesting that Congress continue to support federal and international greenhouse and sea level rise funding.

The memorial was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Ms. Rust spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8011, and the memorial passed the House by the following vote: Yeas, 95; nays, 1; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristol, Brooks, Brough, Brunsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Raiter - 1.

Absent: Representative Sommers H - 1.

Excused: Representative Gallagher - 1.

Senate Joint Memorial No. 8011, having received the constitutional majority, was declared passed.

Representative H. Sommers appeared at the bar of the House.

SENATE CONCURRENT RESOLUTION NO. 8412, by Senators Hayner, Sellar, Vognilid and Warnke

Creating a committee on the Spanish Quincentennial.

The bill was read the second time.

Mr. Jacobsen moved adoption of the following amendment by Representative Vekich:

On page 1, at the beginning of line 1, beginning with "WHEREAS" strike all material through "Committees." on page 2, line 33, and insert the following:

"WHEREAS, The legislature finds and declares that the year of 1992, being the Quincentennial of the first voyage of Christopher Columbus to the Americas, is a time for all people of the State of Washington to reflect upon and celebrate the significance of the events which have occurred in the Americas since the Genovese navigator, and sponsor for the Spanish Crown, first discovered the lands and befriended the peoples of the Western Hemisphere; and

WHEREAS, The voyages of Christopher Columbus and his crew produced an historic encounter between the people and civilizations of two hemispheres, enabling new nations to flourish from the European countries blending with the native people of all the Americas, and later arrivals from Africa, Asia, and Oceania, all inlaid in the societal and cultural mosaic of the greater Western Hemisphere; and

WHEREAS, On the eve of United States independence, Juan Perez in command of the frigate Santiago from San Blas, Mexico, arrived in Washington waters in 1774 and gave Spain exclusive claim to the Pacific Northwest until 1819; and

WHEREAS, The Spanish navy, under the direction of skillful commanders such as Esteban Martinez, Salvador Fidalgo, Manuel Quimpar, Gonzalo Lopez de Haro, Bruno de Hezeta, and Juan Francisco de la Bodega y Quadra explored the Pacific Northwest region, established settlements, conducted scientific studies with the local flora and fauna, collected ethnographic data and transcribed the native languages, mapped and named most of the striking features of much of the Pacific Northwest coastline, and introduced unknown fruits, vegetables, livestock, iron, and other western technology; and

WHEREAS, The Spanish-Mexican outpost at Nunez Gaona, (Neah Bay, Washington), founded in 1792 to establish a southern limit to Russian and English encroachment on Spanish territory in the north Pacific, was the first European settlement in the state of Washington; and

WHEREAS, The legislature finds that adequate preparations must be effected to assure that the events leading up to the Quincentennial, as well as the events and celebrations of the year 1992, are as rich and significant as befit this historic moment, it is imperative that the Legislature assume a leading role in developing the means and resources necessary to plan and implement those events in partnership with the state historical society, local community organizations, Hispanic cultural and research organizations, and the business, cultural, and educational communities of the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, that a select committee on the 1992 Washington Quincentennial of the first voyage of Christopher Columbus, also to be known as the 1992 Washington Spanish Quincentennial Committee, is hereby created and is authorized and directed to:

(1) Encourage the participation of the people of the state of Washington in activities fostering cultural enrichment, social purpose, and economic opportunity within the context of the Quincentennial celebration of the voyages of Christopher Columbus;

(2) Seek the assistance of the people of Washington in achieving these goals by appointing any advisory or other committees which may become necessary to carry out the work of the committee;

(3) Plan and implement events, exchanges, expositions, exhibitions, productions, or other public events or occurrences which further the purposes or goals of the committee and of this resolution; and

BE IT FURTHER RESOLVED, That the committee shall be comprised of four members of the Senate, two from either caucus, to be appointed by the President of the Senate, and four members of the House of Representatives, two from each caucus, to be appointed by the Speaker of the House, with the permanent chair of the 1992 Washington Spanish Quincentennial Committee to be selected by a vote of the membership of the committee; and

BE IT FURTHER RESOLVED, That the committee shall seek the leadership of the Honorable Booth Gardner, Governor of the State of Washington, to serve as its Honorary Chair, and the Honorable Joel Pritchard, Lieutenant Governor of the State of Washington, and the Honorable Ralph Munro, Secretary of State, to serve as its Honorary Vice-Chairs; and

BE IT FURTHER RESOLVED, That the 1992 Washington Spanish Quincentennial Committee shall continue in existence until December 31, 1992, at which time the committee shall cease to exist; and

BE IT FURTHER RESOLVED, That the staff for the 1992 Washington Spanish Quincentennial Committee shall be provided by the Senate Economic Development and Labor and House of Representatives Commerce and Labor Committees."

Representatives Jacobsen, Cole and Vekich spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 8412 as amended by the House, and the resolution was adopted by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hamkins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Rafter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Concurrent Resolution No. 8412 as amended by the House, having received the constitutional majority, was declared adopted.

SUBSTITUTE SENATE BILL NO. 5357, by Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Moore, Rasmussen, Matson and Johnson; by request of Insurance Commissioner)

Defining insurance education provider and establishing requirements for such providers.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Dellwo moved adoption of the committee amendment.

Mr. Dellwo moved adoption of the following amendment to the committee amendment:

On page 6, line 17 of the striking amendment, after "furnish" insert "specific"

Representatives Dellwo and Chandler spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Dellwo moved adoption of the following amendment to the committee amendment:

On page 6, line 23 of the striking amendment, after "providers" insert "who demonstrate the ability"

Mr. Dellwo spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Dellwo moved adoption of the following amendment to the committee amendment:

On page 6, line 32 of the striking amendment, after "agent" insert "with appropriate experience"

Mr. Dellwo spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The committee amendment as amended was adopted.

On motion of Mr. Dellwo, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dellwo and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5357 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslie, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5357 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House consider the following bills on the second reading calendar in the following order: Senate Bill No. 5381, Engrossed Senate Bill No. 5233, Substitute Senate Bill No. 5241, Substitute Senate Bill No. 5383, Substitute Senate Bill No. 5443, and Senate Bill No. 5480. The motion was carried.

SENATE BILL NO. 5381, by Senators Sellar, Talmadge, Thorsness, Moore, Newhouse, Anderson, Lee, Saling, Amondson, Cantu, Rasmussen, Nelson, McMullen, West, Craswell and Barr

Increasing penalties for vehicular homicide due to drunken or reckless driving.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Judiciary.

Mr. Crane moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

The bill was passed to Committee on Rules for third reading.

ENGROSSED SENATE BILL NO. 5233, by Senators Pullen, Madsen, Rasmussen and Niemi

Changing provisions relating to the crime of burglary.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass. Committee on Appropriations recommendation: Do pass as amended. (For committee amendment, see Journal, 85th Day, April 3, 1989.)

Mr. Grant moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Crane, Padden and G. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5233 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Engrossed Senate Bill No. 5233 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5241, by Committee on Economic Development & Labor (originally sponsored by Senators Anderson, Lee, Saling, McMullen and West)

Promoting small business growth.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 75th Day, March 24, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Trade & Economic Development and as amended by Committee on Appropriations. (For committee amendments, see Journal, 85th Day, April 3, 1989.)

Ms. Cantwell moved adoption of the committee amendment by Committee on Trade & Economic Development and spoke in favor of it. The committee amendment was adopted.

Mr. Grant moved adoption of the committee amendments by Committee on Appropriations and spoke in favor of them. The committee amendments were adopted.

On motion of Mr. Grant, the committee amendment by Committee on Appropriations to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cantwell and Doty spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5241 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5241 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House defer consideration of Substitute Senate Bill No. 5383 and that the bill hold its place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5443, by Committee on Transportation (originally sponsored by Senators von Reichbauer, Bender, Patterson, DeJarnatt, Conner and Hansen; by request of Legislative Transportation Committee)

Making various policy changes in vehicle laws.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Baugher moved adoption of the committee amendment.

Ms. R. Fisher moved adoption of the following amendment to the committee amendment:

On page 3, after line 21 of the committee amendment, insert the following:

"Sec. 6. Section 46.20.120, chapter 12, Laws of 1961 as last amended by section 2, chapter 88, Laws of 1988 and RCW 46.20.120 are each amended to read as follows:

No new driver's license may be issued and no previously issued license may be renewed until the applicant therefor has successfully passed a driver licensing examination(~~(--PROVIDED-That))~~. However, the department may waive all or any part of the examination of any person applying for the renewal of a driver's license except when the department determines that an applicant for a driver's license is not qualified to hold a driver's license under this title. The department may also waive the actual demonstration of the ability to operate a motor vehicle by a person who surrenders a valid driver's license issued by the person's previous home state and who is otherwise qualified to be licensed. For a new license examination a fee of seven dollars shall be paid by each applicant, in addition to the fee charged for issuance of the license. A new license is one issued to a driver who has not been previously licensed in this state or to a driver whose last previous Washington license has been expired for more than four years.

Any person renewing his or her driver's license more than sixty days after the license has expired shall pay a penalty fee of ten dollars in addition to the renewal fee under RCW 46.20.181. The penalty fee shall be deposited in the highway safety fund.

Any person who is outside the state at the time his or her driver's license expires or who is unable to renew the license due to any incapacity may renew the license within sixty days after returning to this state or within sixty days after the termination of any such incapacity without the payment of the penalty fee.

The department shall provide for giving examinations at places and times reasonably available to the people of this state."

Remember the sections following consecutively and correct internal references accordingly.

Representatives R. Fisher, Walk and Haugen spoke in favor of adoption of the amendment to the committee amendment, and Representatives Heavey, Schmidt, Schoon, R. Meyers and Ferguson opposed it. Ms. R. Fisher again spoke in favor of the amendment to the committee amendment.

Representative Crane demanded the previous question, and the demand was sustained.

The amendment to the committee amendment was not adopted.

The committee amendment was adopted.

On motion of Mr. Walk, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Walk and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5443 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Substitute Senate Bill No. 5443 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5480, by Senators Pullen, Fleming, Talmadge, Smitherman, McCaslin, Nelson, Niemi, Madsen, Rinehart and Lee

Clarifying the crime of malicious harassment.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Crane moved adoption of the committee amendments.

POINT OF ORDER

Mr. Padden: Mr. Speaker, Senate Bill No. 5480 is a measure adding to the crime of malicious harassment, certain words and conduct which place people or property in reasonable fear of harm. The amendments adopted by the House Judiciary Committee add to the crime of malicious harassment, a new category of discrimination based upon a person's sexual orientation. The bill adds new prohibitive conduct to the existing statute, while the amendments add a new group of persons to the list to be protected from the conduct. Accordingly, I would ask for your ruling on the scope and object of the amendments.

MOTION

Mr. Heavey moved that the House defer further consideration of Senate Bill No. 5480 and that the bill hold its place on the second reading calendar. The motion was carried.

MOTION

Mr. Heavey moved that the House consider the following bills in the following order: Senate Bill No. 6057 on the third reading calendar; Engrossed Substitute Senate Bill No. 5644, Senate Bill No. 5492, Senate Bill No. 5636, Substitute Senate Bill No. 5681, and Engrossed Substitute Senate Bill No. 5850 on the second reading calendar. The motion was carried.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 6057, by Senators Murray, Bender, Warnke, Owen, McMullen, Williams, Smitherman, Kreidler, Sutherland, Talmadge, Niemi, Fleming, Moore, Lee, Vogt, Rasmussen, Conner, Stratton, Bailey, Gaspard, Hansen, Wojahn, Bauer, Madsen, Metcalf, Rinehart and Johnson

Providing for school services for homeless children.

The bill was read the third time and placed on final passage.

Mr. Peery spoke in favor of passage of the bill, and Mr. Betzoff spoke against it.

POINT OF INQUIRY

Mr. Peery yielded to question by Mr. Hargrove.

Mr. Hargrove: Under existing procedures, can we expect school personnel to identify and refer children who may be in need of services provided by the Department of Social and Health Services, such as those services for child abuse and neglect or for families in conflict?

Mr. Peery: Yes. There is currently a letter of understanding between DSHS and the Superintendent of Public Instruction to develop contacts and procedures for referring children and their families to the proper authorities within the department to receive services. Additionally, under RCW 26.44.030, school personnel are required to report any suspected child abuse and neglect within forty-eight hours.

Representatives Schoon, Walker, Zellinsky and Miller spoke against the bill, and Representatives Cole and Pruitt spoke in favor of it.

Representative Crane demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6057, and the bill passed the House by the following vote: Yeas, 52; nays, 45; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walk, Wang, Wineberry, and Mr. Speaker - 52.

Voting nay: Representatives Ballard, Basich, Baugher, Beck, Betzoff, Bowman, Bristow, Brooks, Brough, Brumsickle, Chandler, Crane, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Haugen, Holland, Horn, Kremen, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 45.

Excused: Representative Gallagher - 1.

Senate Bill No. 6057, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5644, by Committee on Environment & Natural Resources (originally sponsored by Senators Bluechel, Bender, McDonald, Kreidler, Bailey, McMullen, Johnson, Niemi, Vognild, Lee, Smitherman and West)

Transferring designated portions of the Milwaukee Road from the department of natural resources to the parks and recreation commission.

The bill was read the second time.

Mr. Prince moved adoption of the following amendment:

On page 2, after line 28, insert the following:

"NEW SECTION, Sec. 5. The state of Washington shall be liable for all losses, damages, settlements, claims, and actions arising out of any and all acts or omissions of its officials, employees or volunteers in connection with the operation, maintenance or control of the Milwaukee Road corridor."

Representatives Prince, Smith, Fuhrman and McLean spoke in favor of adoption of the amendment, and Representatives K. Wilson and Rust opposed it. Mr. Prince again spoke in favor of the amendment.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 46; Nays - 51. The amendment was not adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. K. Wilson spoke in favor of passage of the bill, and Representatives Smith and Beck opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5644, and the bill passed the House by the following vote: Yeas, 66; nays, 31; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betzoff, Bowman, Braddock, Brekke, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Haugen, Heavey, Hine, Holland, Jacobsen, Jones, King P, King R, Leonard, Locke, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Van Luven, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 66.

Voting nay: Representatives Ballard, Baugher, Beck, Bristow, Brooks, Chandler, Doty, Fuhrman, Grant, Hankins, Hargrove, Horn, Inslee, Jesernig, Kremen, May, McLean, Moyer, Nealey, Padden, Prince, Rayburn, Silver, Smith, Sommers D, Tate, Walker, Wilson S, Wolfe, Wood, Youngsman - 31.

Excused: Representative Gallagher - 1.

Engrossed Substitute Senate Bill No. 5644, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 11, 1989

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1010,
 HOUSE BILL NO. 1024,
 HOUSE BILL NO. 1026,
 HOUSE BILL NO. 1038,
 SUBSTITUTE HOUSE BILL NO. 1039,
 HOUSE BILL NO. 1049,
 SUBSTITUTE HOUSE BILL NO. 1168,
 SUBSTITUTE HOUSE BILL NO. 1169,
 HOUSE BILL NO. 1170,
 HOUSE BILL NO. 1249,
 SUBSTITUTE HOUSE BILL NO. 1259,
 HOUSE BILL NO. 1289,
 HOUSE BILL NO. 1350,

HOUSE CONCURRENT RESOLUTION NO. 4412,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

SIGNED BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced the Speaker had signed:

SUBSTITUTE SENATE BILL NO. 5014,
 SENATE BILL NO. 5030,
 SENATE BILL NO. 5031,
 SENATE BILL NO. 5032,
 SUBSTITUTE SENATE BILL NO. 5034,
 SENATE BILL NO. 5037,
 SUBSTITUTE SENATE BILL NO. 5041,
 SENATE BILL NO. 5042,
 SENATE BILL NO. 5045,
 SENATE BILL NO. 5046,
 SENATE BILL NO. 5079,
 SUBSTITUTE SENATE BILL NO. 5088,
 SENATE BILL NO. 5089,
 SUBSTITUTE SENATE BILL NO. 5097,
 SUBSTITUTE SENATE BILL NO. 5099,
 SENATE BILL NO. 5152,
 SUBSTITUTE SENATE BILL NO. 5193,
 SUBSTITUTE SENATE BILL NO. 5208,
 SUBSTITUTE SENATE BILL NO. 5214,
 SUBSTITUTE SENATE BILL NO. 5263,
 SUBSTITUTE SENATE BILL NO. 5266,
 SENATE BILL NO. 5277,
 SUBSTITUTE SENATE BILL NO. 5297,
 SENATE BILL NO. 5370,
 SENATE BILL NO. 5580,
 SENATE BILL NO. 5617,
 SENATE BILL NO. 5668,
 SUBSTITUTE SENATE BILL NO. 5733,
 SENATE BILL NO. 5771,
 SUBSTITUTE SENATE BILL NO. 5786,
 SUBSTITUTE SENATE BILL NO. 5807,
 SUBSTITUTE SENATE BILL NO. 5838,

SENATE BILL NO. 5874,
SENATE BILL NO. 5983,
SUBSTITUTE SENATE BILL NO. 6003.

SENATE BILL NO. 5492, by Senators Nelson and Talmadge

Establishing immunity for health care providers in suits brought by a parent.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, March 31, 1989.)

Mr. Appelwick moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5492 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spaniel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5492 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5636, by Senators Smitherman and Lee; by request of Employment Security Department

Revising the state/federal relationship regarding unemployment compensation benefits, recovery, and confidentiality.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5636, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spaniel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker resumed the Chair.

SENATE BILL NO. 5480, by Senators Pullen, Fleming, Talmadge, Smitherman, McCaslin, Nelson, Niemi, Madsen, Rinehart and Lee

Clarifying the crime of malicious harassment.

The House resumed consideration of Senate Bill No. 5480 on second reading.

The Speaker stated the question before the House to be the Point of Order by Representative Padden regarding the scope and object of the committee amendments by Committee on Judiciary.

SPEAKER'S RULING

The Speaker: This is a fairly fine point that I am being asked to rule on. The bill deals with the subject of malicious harassment and defining what actions constitute malicious harassment. The amendment, it appears to me, deals with which groups of people who are covered by the sexual harassment statute, not with the original subject of what constitutes malicious harassment. I find, Representative Padden, that your point is well taken. The Speaker finds that the committee amendments by Committee on Judiciary are outside the scope and object of the original bill. They do not perfect; they broaden.

The Clerk read the following amendments by Representatives Hargrove, Moyer and Rayburn:

On page 1, line 10, after "person's" strike "race, color, religion, ancestry, national origin, or mental, physical, or sensory handicap" and insert "~~(race, color, religion, ancestry, national origin, or mental, physical, or sensory handicap)~~ membership in a discrete or insular group that is commonly known to be the object of prejudice, bias, or discrimination"

On page 1, line 22, after "person's" strike "race, color, religion, ancestry, national origin, or mental, physical, or sensory handicap" and insert "membership in a discrete or insular group that is commonly known to be the object of prejudice, bias, or discrimination"

With consent of the House, Representative Hargrove withdrew the amendment.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Crane, Padden, Wineberry and Anderson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5480, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Gallagher - 1.

Senate Bill No. 5480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:30 a.m., Wednesday, April 12, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

NINETY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, April 12, 1989

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Gallagher, Hankins, D. Sommers and Wineberry. On motion of Ms. Miller, Representatives Hankins and D. Sommers were excused. On motion of Mr. Dorn, Representative Gallagher was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jared Bayless and Jeff Brehmeyer. Prayer was offered by The Reverend Don Nicholson, Minister of the Victory Christian Center of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

CENTENNIAL MESSAGE FROM THE WASHINGTON STATE HISTORICAL SOCIETY

April 12, 1989

On this day in 1889, the route from Ellensburg to the mines at Conconully opened. A steamer would run upriver from Rock Island near Wenatchee every Friday as part of the route. Even though Ellensburg was one hundred and twenty miles from the mines in a straight line and further by river and wagon, its business leaders had some success in becoming the main link between the mines and the outside world. And, on this day in 1889, a Tacoma newspaper complained, "Cities all over the country are making big preparations for celebrating the centennial of (George) Washington's inauguration (as President). Evidently, Washington Territory will be content to read about the festivities."

On April 12, 1895 the first music club in the Bellingham Bay area was established by a "few women who had a very high aim."

On April 12, 1905 Warren G. Magnuson, United States Senator from 1945-81, was born in Minnesota. He held public office in Washington from 1932 to 1981. No Washington State Senator has served longer than Magnuson's six terms. He was elected to the Washington State Historical Society's Centennial Hall of Honor in 1983.

And, this day in 1985 was declared "Louie Louie Day" by the State Senate in a resolution praising the song and noting that few citizens knew the words of the official state song. Three thousand people gathered at the Capitol steps to hear the song and promote it as the first rock and roll state song.

MESSAGES FROM THE SENATE

April 4, 1989

Mr. Speaker:

The Senate has passed:

	HOUSE BILL NO. 1025,
ENGROSSED	HOUSE BILL NO. 1062,
	HOUSE BILL NO. 1117,
	HOUSE BILL NO. 1162,
	HOUSE BILL NO. 1163,
ENGROSSED SUBSTITUTE	HOUSE BILL NO. 1192,
	HOUSE BILL NO. 1205,
	HOUSE BILL NO. 1282,
SUBSTITUTE	HOUSE BILL NO. 1287,
	HOUSE BILL NO. 1290,
ENGROSSED	HOUSE BILL NO. 1330,

ENGROSSED HOUSE BILL NO. 1348,
 SUBSTITUTE HOUSE BILL NO. 1355,
 SUBSTITUTE HOUSE BILL NO. 1379,
 ENGROSSED HOUSE BILL NO. 1418,
 ENGROSSED HOUSE BILL NO. 1454,
 HOUSE BILL NO. 1468,
 SUBSTITUTE HOUSE BILL NO. 1548,
 HOUSE BILL NO. 2158,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 5, 1989

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1480,
 SUBSTITUTE HOUSE BILL NO. 1503,
 SUBSTITUTE HOUSE BILL NO. 1639,
 SUBSTITUTE HOUSE BILL NO. 1651,
 SUBSTITUTE HOUSE BILL NO. 1658,
 HOUSE BILL NO. 1689,
 ENGROSSED HOUSE BILL NO. 1762,
 SUBSTITUTE HOUSE BILL NO. 1774,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 7, 1989

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1032,
 HOUSE BILL NO. 1033,
 SUBSTITUTE HOUSE BILL NO. 1067,
 SUBSTITUTE HOUSE BILL NO. 1252,
 HOUSE BILL NO. 1524,
 ENGROSSED HOUSE BILL NO. 1545,
 ENGROSSED HOUSE BILL NO. 1573,
 HOUSE BILL NO. 1718,
 ENGROSSED HOUSE BILL NO. 1862,
 HOUSE BILL NO. 1885,
 ENGROSSED HOUSE BILL NO. 1909,
 HOUSE BILL NO. 2045,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 7, 1989

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5040,
 SENATE BILL NO. 5054,
 SENATE BILL NO. 5137,
 SENATE BILL NO. 5150,
 SENATE BILL NO. 5156,
 SUBSTITUTE SENATE BILL NO. 5168,
 SENATE BILL NO. 5353,
 SUBSTITUTE SENATE BILL NO. 5488,
 SENATE BILL NO. 5502,
 SUBSTITUTE SENATE BILL NO. 5531,
 SENATE BILL NO. 5590,
 SUBSTITUTE SENATE BILL NO. 5641,
 SECOND SUBSTITUTE SENATE BILL NO. 5660,
 SENATE BILL NO. 5731,
 SENATE BILL NO. 5824,
 SUBSTITUTE SENATE BILL NO. 5891,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

April 10, 1989

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1027,
HOUSE BILL NO. 1096,
ENGROSSED HOUSE BILL NO. 1220,
HOUSE BILL NO. 1239,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 10, 1989

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5098,
SUBSTITUTE SENATE BILL NO. 5126,
SUBSTITUTE SENATE BILL NO. 5127,
SUBSTITUTE SENATE BILL NO. 5933,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

April 11, 1989

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5658,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5872,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5897,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6074,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 11, 1989

Mr. Speaker:

The Senate concurred in the House amendment(s) and passed the following bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5066,
SECOND SUBSTITUTE SENATE BILL NO. 5111,
SUBSTITUTE SENATE BILL NO. 5151,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5275,
SUBSTITUTE SENATE BILL NO. 5418,
ENGROSSED SENATE BILL NO. 5440,
SENATE BILL NO. 5579,
SUBSTITUTE SENATE BILL NO. 5614,
SUBSTITUTE SENATE BILL NO. 5746,
SUBSTITUTE SENATE BILL NO. 5782,
SUBSTITUTE SENATE BILL NO. 5790,
ENGROSSED SENATE BILL NO. 5809,
ENGROSSED SENATE BILL NO. 5871,
SUBSTITUTE SENATE BILL NO. 5886,
SENATE BILL NO. 5987,
SENATE BILL NO. 6012.

W. D. Naismith, Assistant Secretary.

April 11, 1989

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5009,
SECOND SUBSTITUTE SENATE BILL NO. 5011,
SENATE BILL NO. 5022,
SUBSTITUTE SENATE BILL NO. 5033,
SENATE BILL NO. 5090,
SUBSTITUTE SENATE BILL NO. 5138,

SUBSTITUTE SENATE BILL NO. 5142,
 SENATE BILL NO. 5231,
 SUBSTITUTE SENATE BILL NO. 5234,
 SUBSTITUTE SENATE BILL NO. 5252,
 SUBSTITUTE SENATE BILL NO. 5362,
 SENATE BILL NO. 5403,
 SUBSTITUTE SENATE BILL NO. 5419,
 SUBSTITUTE SENATE BILL NO. 5441,
 SENATE BILL NO. 5464,
 SUBSTITUTE SENATE BILL NO. 5472,
 SUBSTITUTE SENATE BILL NO. 5481,
 SENATE BILL NO. 5676,
 SENATE BILL NO. 5715.

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2223 by Representative Locke

AN ACT Relating to children and family services. (t.o.)

Referred to Committee on Rules.

HB 2224 by Representative Locke

AN ACT Relating to human services. (t.o.)

Referred to Committee on Rules.

HB 2225 by Representative Locke

AN ACT Relating to long-term care. (t.o.)

Referred to Committee on Rules.

HB 2226 by Representative Locke

AN ACT Relating to mental health. (t.o.)

Referred to Committee on Rules.

HB 2227 by Representative Locke

AN ACT Relating to fiscal matters. (t.o.)

Referred to Committee on Rules.

HB 2228 by Representative Locke

AN ACT Relating to social and health services. (t.o.)

Referred to Committee on Rules.

HB 2229 by Representative Locke

AN ACT Relating to fiscal matters. (t.o.)

Referred to Committee on Rules.

HB 2230 by Representative Locke

AN ACT Relating to health care. (t.o.)

Referred to Committee on Rules.

E2SSB 5658 by Committee on Ways & Means (originally sponsored by Senators McCaslin, Talmadge, Niemi, Pullen, DeJarnatt, Nelson, Thorsness and von Reichbauer; by request of Department of General Administration and Office of Financial Management)

Creating a risk management program and agency accountability.

Referred to Committee on Judiciary.

ESSB 5872 by Committee on Ways & Means (originally sponsored by Senators Anderson, Smitherman, Lee, Murray, West, McMullen, Benitz, Saling, Barr and Patterson)

Establishing a rural affairs revitalization committee and undertaking rural development projects.

Referred to Committee on Trade & Economic Development.

ESSB 5897 by Committee on Health Care & Corrections (originally sponsored by Senators West, Kreidler and McDonald)

Regarding alcohol and drug treatment.

Referred to Committee on Appropriations.

ESSB 6074 by Committee on Ways & Means (originally sponsored by Senators West, Stratton, McCaslin and Saling)

Revising provisions on public facilities districts.

Referred to Committee on Capital Facilities & Financing.

MOTION

On motion of Mr. Heavey, the bills listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

MOTION

Mr. Heavey moved that the House consider the following bills on the second reading calendar in the following order: Substitute Senate Bill No. 5681 and Engrossed Senate Bill No. 5850. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5681, by Committee on Economic Development & Labor (originally sponsored by Senators Lee, Smitherman and West; by request of Department of Labor and Industries)

Reenacting and amending provisions for asbestos projects.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cole, Nealey and Morris spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5681, and the bill passed the House by the following vote: Yeas, 94; absent, 1; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Wineberry - 1.

Excused: Representatives Gallagher, Hankins, Sommers D - 3.

Substitute Senate Bill No. 5681, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5850, by Committee on Financial Institutions & Insurance (originally sponsored by Senators Johnson, Smitherman, von Reichbauer, Owen, Moore, Sellar, McCaslin, Madsen, Metcalf, Bailey, Thorsness and West)

Modifying the contract transactions of funeral establishments.

The bill was read the second time.

Mr. Beck moved adoption of the following amendments:

On page 3, line 6, after "to" strike "fifteen" and insert "ten"

On page 3, line 17, after "least" strike "eighty-five" and insert "ninety"

On page 3, line 23, after "last" strike "eighty-five" and insert "ninety"

On page 6, line 28, after "to" strike "fifteen" and insert "ten"

Representatives Beck and Braddock spoke in favor of adoption of the amendments, and they were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Braddock and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5850 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; absent, 1; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Wineberry - 1.

Excused: Representatives Gallagher, Hankins, Sommers D - 3.

Engrossed Substitute Senate Bill No. 5850 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Wineberry appeared at the bar of the House.

MOTION

Mr. Heavey moved that the House consider the following bills on the second reading calendar in the following order: Engrossed Substitute Senate Bill No. 5759, Engrossed Substitute Senate Bill No. 5499, Senate Bill No. 6005, Engrossed Substitute Senate Bill No. 5288, Substitute Senate Bill No. 5289, Engrossed Substitute Senate Bill No. 5868, Engrossed Substitute Senate Bill No. 5984, Senate Joint Memorial No. 8002, and Senate Joint Resolution No. 8200. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, by Committee on Education (originally sponsored by Senators Bailey, Rinehart, Lee, Warnke, Talmadge, Moore, Bauer and Stratton)

Establishing a school breakfast program.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 73rd Day, March 22, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Education.

Mr. Peery moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Peery, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Peery, K. Wilson, Jones and Cole spoke in favor of passage of the bill, and Representatives Betrozoff, Horn and Walker opposed it.

Mr. Crane demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5759 as amended by the House, and the bill passed the House by the following vote: Yeas, 74; nays, 21; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schoon, Scott, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, and Mr. Speaker - 74.

Voting nay: Representatives Baillard, Baugher, Betrozoff, Chandler, Doty, Fuhrman, Horn, May, McLean, Moyer, Nealey, Padden, Rayburn, Schmidt, Silver, Smith, Walk, Walker, Wolfe, Youngsman, Zellinsky - 21.

Excused: Representatives Gallagher, Hankins, Sommers D - 3.

Engrossed Substitute Senate Bill No. 5759 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

With consent of the House, Representative Fraser was excused.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5499, by Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Rasmussen, Sellar, Moore, Newhouse, Lee and Johnson)

Requiring motor vehicle liability insurance.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Dellwo moved adoption of the committee amendment.

Mr. Dellwo moved adoption of the following amendments by Representatives Dellwo and Chandler to the committee amendment:

On page 2, beginning on line 21 of the amendment, strike all of subsection (3) through line 35 and insert the following:

"(3) If a person cited for a violation of this section appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with this section, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of this section may, before the date scheduled for the person's appearance before the court, submit by mail to the court written evidence that at the time the person was cited, he or she was in compliance with this section, in which case the citation shall be dismissed."

On page 4, beginning on line 36 of the amendment, strike all of section 5 and insert the following:

"Sec. 5. Section 2, chapter 11, Laws of 1979 as last amended by section 2, chapter 463, Laws of 1987 and RCW 46.52.030 are each amended to read as follows:

(1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent equal to or greater than the minimum amount established by rule adopted by the chief of the Washington state patrol in accordance with subsection (5) of this section, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns. Nothing in this subsection prohibits accident reports from being filed by drivers where damage to property is less than the minimum amount.

(2) The original of such report shall be immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington, and the second copy of such report to be forwarded to the department of licensing at Olympia, Washington.

(3) Any law enforcement officer who investigates an accident for which a driver's report is required under subsection (1) of this section shall submit an investigator's report as required by RCW 46.52.070.

(4) The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in his opinion is insufficient, and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff, and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, ~~((and))~~ the persons and vehicles involved, the insurance information required under section 3 of this act, personal injury or death, if any, the amounts of property damage claimed, the total number of vehicles involved, whether the vehicles were legally parked, legally standing, or moving, and whether such vehicles were occupied at the time of the accident. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

(5) The chief of the Washington state patrol shall adopt rules establishing the accident-reporting threshold for property damage accidents. Beginning October 1, 1987, the accident-reporting threshold for property damage accidents shall be five hundred dollars. The accident-reporting threshold for property damage accidents shall be revised when necessary, but not more frequently than every two years. The revisions shall only be for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the time period since the last revision."

Representatives Dellwo and Baugher spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Representatives Dellwo, Chandler and Baugher spoke in favor of adoption of the committee amendment as amended, and it was adopted.

On motion of Mr. Dellwo, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Miller spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5499 as amended by the House, and the bill passed the House by the following vote: Yeas, 91; nays, 3; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brunsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nulley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Brough, Miller, Prince - 3.

Excused: Representatives Fraser, Gallagher, Hankins, Sommers D - 4.

Engrossed Substitute Senate Bill No. 5499 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 6005, by Senators Pullen and Talmadge

Protecting the victims of domestic violence.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Crane moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

Mr. Zellinsky moved adoption of the following amendment by Representatives Zellinsky and Schmidt:

On page 3, after line 2 insert:

"Sec. 3. Section 84, page 115, Laws of 1854 as amended by section 1040 Code of 1881, and RCW 10.22.010 are each amended to read as follows:

When a defendant is prosecuted in a criminal action for a misdemeanor, for which the person injured by the act constituting the offense has a remedy by a civil action, the offense may be compromised as provided in RCW 10.22.020, except when it was committed:

(1) By or upon an officer while in the execution of the duties of his office.

(2) Riotously; ~~((or:))~~

(3) With an intent to commit a felony; or,

(4) By one family or household member against another as defined in RCW 10.99.020(1) and was a crime of domestic violence as defined in RCW 10.99.010(2)."

Representatives Zellinsky, Schmidt, Appelwick and Sayan spoke in favor of adoption of the amendment, and Mr. Crane opposed it. The amendment was adopted.

With consent of the House, the following amendment by Representatives Zellinsky and Schmidt to the title was adopted:

On page 1, line 2 of the title after "RCW" insert "10.22.010."

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6005 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Berozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprengle, Tate, Todd, Vaile, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Fraser, Gallagher, Hankins, Sommers D - 4.

Senate Bill No. 6005 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Hankins appeared at the bar of the House.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4666, by Representatives Youngsman, Rayburn, Brumsickle and Bowman

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, This extraordinary day, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world and is observed in Washington State today, April 12; and

WHEREAS, Trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, Trees are a renewable resource and play a vital part in our state's economy in the production of paper, home and building construction, fuel for our fires, and countless other purposes; and

WHEREAS, Trees increase property values, enhance the economic vitality of business areas and beautify our communities; and

WHEREAS, Trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Washington State's celebration of Arbor Day this year is particularly noteworthy because April 12 is the day on which the official State Centennial Flowers are to be dedicated in a special planting ceremony on the Capitol campus, officiated by the Governor; and

WHEREAS, One of these two lovely state flowers is a rhododendron especially hybridized by Fred and Lillian Peste and appropriately named the "Centennial Celebration," and the other is an azalea created by Frank D. Mossman named the "Washington State Centennial"; and

WHEREAS, These spectacularly beautiful flowers, through a relatively new technique known as micropropagation, will be planted in rest areas, parks and recreation sites across the state and are available to the public for purchase; and

WHEREAS, These commemorative flowers will begin as small plants, but in time will become a growing part of Washington's heritage and will represent a lasting tribute to our state's centennial celebration;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives acknowledge the fantastic aesthetic and economic benefits that trees make to the Evergreen State and commend all of those who share in the responsibility for creating and designating the official centennial flowers; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives to the Washington State Arbor Day Council, Mr. Bruce Briggs, Mrs. Lillian Peste and Mr. Frank D. Mossman.

Mr. Youngsman moved adoption of the resolution. Representatives Youngsman, Hargrove and Rayburn spoke in favor of the resolution.

House Floor Resolution No. 89-4666 was adopted.

The Speaker assumed the Chair.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5288, by Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Vognild, Craswell, Benitz, Barr and Amondson)

Providing for the production of salmon smolts by private aquaculturists.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, March 29, 1989.)

Mr. R. King moved adoption of the committee amendment.

Ms. Bowman moved adoption of the following amendments to the committee amendment:

On page 2, line 7 of the amendment after "waters" strike material through "capacity" on line 9

On page 2, after line 16 of the amendment insert the following:

"NEW SECTION, Sec. 4. A new section is added to chapter 75.08 RCW to read as follows:

The director may make available to private contractors any state-funded salmon hatcheries or satellite facilities which are in a closed or less than fifty percent of full capacity operation. These underutilized facilities shall be leased to cooperatives and private aquaculturists on an annual basis for contracting to fulfill the purposes of section 1 of this act. Annual fees shall be one dollar per facility."

Renumber following sections consecutively and correct internal references accordingly.

On page 2, line 22 of the amendment after "the" strike "purpose of" and insert "purposes of leasing underutilized facilities and"

Representatives Bowman and S. Wilson spoke in favor of adoption of the amendments to the committee amendment, and Representatives R. King and Sayan opposed them. The amendments to the committee amendment were not adopted.

Ms. Spanel moved adoption of the following amendment by Representatives Spanel, Haugen, Kremen, S. Wilson, Schmidt, Walker, Youngsman, Zellinsky and Jones to the committee amendment:

On page 3, after line 20 of the amendment, insert the following:

NEW SECTION. Sec. 7. The legislature finds that:

(1) Some forms of aquaculture have potential for long-term benefit if carefully regulated, appropriately sited, and properly managed based on guidelines and criteria that recognize potential impacts as well as advantages;

(2) Aquaculture practices and activities are diverse and generate substantially different impacts depending on the type of aquaculture employed. Some forms of aquaculture that require structural, chemical, nutrient, or other additions to the aquatic environment or that use large areas of public waters, shorelines, or tidelands, have a potential for impact or for interference with existing water and land uses;

(3) Site monitoring of aquaculture facilities, field studies, and further research are important and necessary to evaluate and minimize the environmental effects of aquaculture;

(4) Because of their potential for impacts upon shoreline and upland uses, local government review of proposed aquaculture uses is particularly important;

(5) State agencies, local governments, and others have expended a considerable amount of effort in the development of shoreline master program amendments, interim guidelines and a draft environmental impact statement for floating fin fish aquaculture; and

(6) State agencies, with the involvement of local governments and other interested parties, need to review the existing interim guidelines in light of any new information gathered through the environmental impact statement process, and to adopt permanent guidelines for the siting of floating aquaculture facilities. Local governments also need to review their shoreline master programs to ensure that the programs are consistent with this act.

NEW SECTION. Sec. 8. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 9 through 13 of this act.

(1) 'Floating aquaculture projects' means floating developments subject to the shoreline management act and used in the culture of aquatic products in the marine waters of the state. Examples include floating fin fish net pens and structures used for culturing seaweed. However, for the purposes of this act, floating aquaculture projects do not include projects in which rafts are used for culturing shellfish.

(2) 'Shore-based components of floating aquaculture projects' means facilities located onshore, such as docks, boat ramps, and storage sheds, that are used to provide support to offshore facilities. The term does not mean processing facilities that are located at upland locations, with the exception of processing facilities located on the shoreline in the vicinity of the offshore component of the project.

NEW SECTION. Sec. 9. (1) The department shall in cooperation with other state agencies with regulatory or proprietary authority over floating aquaculture projects, develop and adopt guidelines under chapter 34.05 RCW for regulation of floating aquaculture. The guidelines shall address the potential impact, including cumulative impacts, of the water and shore-based components of floating aquaculture projects. The guidelines shall address the following areas:

(a) Aesthetic impacts including, but not limited to, visual impact, odor, noise, and similar factors;

(b) Navigation along, and to and from, the shoreline;

(c) Use of antibiotics, pesticides, or other additives that have a potential for environmental damage, including wildlife and human populations;

(d) Water quality as affected by factors such as fecal waste, waste from feeding, fertilization, and harvesting operations;

(e) Impact on benthic organisms;

(f) Impact on marine mammals or other wildlife;

(g) Impact on commercial and sport fishing and other recreational uses of shoreline and aquatic environment;

(h) Impact on public use of shorelines, particularly shorelines of state-wide significance, waters, or tidelands;

(i) Impact on existing aquaculture operations in the vicinity or other existing harvesting of marine life;

(j) Methods of harvesting and processing of aquaculture products; and

(k) Any other factors that may involve potential adverse environmental or other impacts.

(2) The guidelines shall identify specific areas where local governments may adopt more restrictive standards consistent with sections 7 through 15 of this act to address unique local conditions.

(3) In preparing the guidelines, the department shall consult with affected local governments, citizen groups, and aquaculturists. The department shall conduct public meetings on the proposed guidelines in areas of the state that have proposed floating aquaculture projects, or are likely to have proposals in the future.

(4) Guidelines that are within the scope of chapter 90.58 RCW shall be adopted by the department. Guidelines that are not within the scope of chapter 90.58 RCW shall be adopted by the agency with the appropriate regulatory or proprietary authority. All guidelines shall be adopted by March 1, 1990. Once adopted, the department shall compile the guidelines and

other relevant state laws and rules pertaining to floating aquaculture projects into a single document.

NEW SECTION. Sec. 10. In addition to the guidelines in section 9 of this act, by March 1, 1990, the department, in cooperation with the departments of fisheries, agriculture, and natural resources, shall:

(1) Adopt rules governing the completion of a site characterization study that will provide governmental agencies information necessary for the review of the potential impacts listed in section 9 of this act. A site characterization study shall be completed before substantial development permit applications for floating aquaculture facilities are submitted to local governments. The study shall be prepared in consultation with appropriate local and state officials, and shall be paid for by the applicant;

(2) Adopt rules governing monitoring of sites used for floating aquaculture. The rules shall include requirements for monitoring environmental conditions prior to and during commercial production. Monitoring shall encompass the potential environmental impacts listed in section 9 of this act. Monitoring required under this section shall be paid for by the applicant.

NEW SECTION. Sec. 11. (1) By July 1, 1991, local governments shall submit to the department amendments to their shoreline master programs to incorporate the guidelines adopted under section 9 of this act. Such amendments shall be consistent with the guidelines adopted under section 9 of this act.

(2) After the adoption of the guidelines required in section 9 of this act, but prior to the adoption of the shoreline master program amendments required in subsection (1) of this section, local governments shall use the guidelines in section 9 of this act when evaluating applications for substantial development permits.

(3) Floating aquacultural projects that will have a significant adverse impact shall be approved only if subject to enforceable conditions that eliminate or mitigate potential adverse impacts. Enforceable conditions shall be amenable to monitoring and enforcement.

NEW SECTION. Sec. 12. If a hearing is to be held on a floating aquaculture permit application, written notification of such hearing shall be made by the local government to the departments of fisheries, wildlife, natural resources, agriculture, and ecology at least thirty days before the hearing date. Written notification of such hearing shall also be made at least thirty days before the hearing date to any person who has filed with the local government a written request to receive notice of hearings on floating aquaculture permit applications. The local government shall ensure that adequate records of the hearing are maintained.

NEW SECTION. Sec. 13. When local government decisions on shoreline substantial development permit applications for aquaculture projects are appealed, substantial weight shall be given by the reviewing body to the local government decision.

NEW SECTION. Sec. 14. A new section is added to chapter 90.48 RCW to read as follows:

By March 1, 1990, the department shall establish state standards applicable to discharges into marine waters from floating aquaculture projects as defined in section 8 of this act.

NEW SECTION. Sec. 15. A new section is added to chapter 79.90 RCW to read as follows:

The department of natural resources shall not issue leases of tidelands and bedlands for proposed floating aquaculture projects as defined in section 8 of this act until after shoreline substantial development permits under chapter 90.58 RCW have been issued.

NEW SECTION. Sec. 16. Sections 7 through 13 of this act are each added to chapter 90.58 RCW."

Renumber the remaining section consecutively and correct any internal references accordingly.

POINT OF ORDER

Mr. R. King: Mr. Speaker, I believe that this amendment is well beyond the scope and object of the amendment and bill that are before us.

SPEAKER'S RULING

The Speaker: Representative King, this was not a difficult call. The Speaker has examined Engrossed Substitute Senate Bill No. 5288 and the amendment offered by Representative Spanel. The original bill is clear; it is an act allowing the Department of Fisheries to contract with fishermen's cooperatives for the purchase of quality salmon smolts. It talks about the provisions under which they can do that. The amendment deals with establishment and regulation of aquaculture. The amendment does not perfect, but significantly broadens the original scope of the bill. I find, Representative King, that your point is well taken, that the amendment is outside the scope and object of the original bill.

Representative R. King spoke in favor of adoption of the committee amendment, and it was adopted.

On motion of Mr. R. King, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5288 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brække, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Fraser, Gallagher, Sommers D - 3.

Engrossed Substitute Senate Bill No. 5288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Fraser appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5289, by Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, DeJarnatt, Barr, Benitz and Anderson)

Authorizing the formation of regional fisheries enhancement groups.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. R. King moved adoption of the committee amendment.

Ms. Haugen moved adoption of the following amendment by Representatives Haugen and S. Wilson to the committee amendment:

On page 2, after line 16 of the amendment, insert the following:

***NEW SECTION.** Sec. 7. The legislature finds and declares the following:

(1) Declines in various Washington marine species of fish have adversely affected the sport and commercial fishing industries.

(2) Research, development, and technology transfer on the artificial propagation, rearing, and stocking of some marine species are needed.

(3) Funding for this research and development is most appropriately borne by a special fund derived from user fees on sport and commercial fishermen who stand to benefit directly from the resurgence of various marine species.

NEW SECTION. Sec. 8. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) 'Fund' means the marine fish enhancement research fund.

(2) 'Marine fish' means all species for which a personal use license is required except salmon and sturgeon.

(3) 'Program' means the Washington marine fish enhancement research program.

NEW SECTION. Sec. 9. The Washington marine fish enhancement research program is established for the purpose of supporting basic and applied research and technology transfer on the artificial propagation, rearing, and stocking of marine fish species that are important to sport and commercial fishing in the marine and ocean waters of Washington. Research funds shall be allocated between studies of marine fish species important to sport fishers and studies of marine fish important to commercial fishers in proportion to each fishing group's relative financial contribution to the program. Research shall include, but is not limited to: (1) Artificial propagation, rearing, and stocking of marine fishes; (2) ecological requirements necessary to sustain marine fish stocks; (3) population dynamics in order to better understand potential survival patterns; (4) tagging and monitoring programs to evaluate success of stocking programs; and (5) stock identification and genetics research to enable identification of migration patterns and populations of fish stocks.

NEW SECTION. Sec. 10. The program shall be administered by the director with the advice and assistance of the advisory panel created in section 11 of this act.

NEW SECTION. Sec. 11. To assist the director in establishing policy direction for research projects, there is hereby created a marine fish enhancement research advisory panel. The panel shall consist of the following members to be appointed by the director:

(1) One member representing the Washington trawl fisheries, appointed from a list of trawl fishermen who express interest in serving on the advisory panel;

(2) One member representing the Washington commercial halibut fishing industry, appointed from a list of halibut fishermen who express interest in serving on the advisory panel;

(3) One member representing the Washington charter boat fishing industry, appointed from a list of charter boat owners who express interest in serving on the advisory panel;

(4) One member representing Washington marine recreational fishermen, appointed from a list of recreational fishermen who express interest in serving on the advisory panel;

(5) One scientist at large; and

(6) One member representing the United States national marine fisheries service.

NEW SECTION. Sec. 12. (1) The marine fish enhancement research fund is hereby created in the custody of the state treasury. All fees received by the department under sections 13 and 14 of this act and RCW 75.28.095(4) shall be deposited in the fund. Any money received for the purposes of carrying out this chapter from other sources may be deposited in the fund. Expenditures from the fund may be used only for the purposes of the program. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) An amount, not to exceed twelve percent of the total annual revenues deposited in the fund, may be used by the department for administering the research program, for the production and distribution of the marine fish enhancement research stamp, and for collecting stamp revenues.

NEW SECTION. Sec. 13. A new section is added to chapter 75.25 RCW to read as follows:

(1) In addition to a valid personal use license, a person taking marine fish from state and offshore waters for sport purposes shall have permanently affixed to his or her personal use license an annual marine fish enhancement research stamp that shall be issued upon payment of one dollar.

(2) Sport anglers who are entitled to a free personal use license, or who are not required to obtain a personal use license, shall not be required to obtain a marine fish enhancement research stamp.

(3) A dealer's fee may not be charged for issuing a marine fish enhancement research stamp.

NEW SECTION. Sec. 14. A new section is added to chapter 75.28 RCW to read as follows:

In addition to a valid Washington commercial fishing license, a person taking food fish for commercial purposes shall have permanently affixed to his or her license an annual food fish enhancement research stamp that may be obtained from the department upon payment of thirty dollars.

Sec. 15. Section 1, chapter 90, Laws of 1969 as last amended by section 1, chapter 9, Laws of 1988 and RCW 75.28.095 are each amended to read as follows:

(1) A charter boat license is required for a vessel to be operated as a charter boat from which food fish are taken for personal use. The annual license fees are:

	Species	Resident	Nonresident
		Fee	Fee
(a)	Food fish other than salmon	\$100	\$200
(b)	Salmon and other food fish	\$200	\$200

(2) 'Charter boat' means a vessel from which persons may, for a fee, fish for food fish, and which delivers food fish into state ports or delivers food fish taken from state waters into United States ports. 'Charter boat' does not mean:

(a) Vessels not generally engaged in charter boat fishing which are under private lease or charter and operated by the lessee for the lessee's personal recreational enjoyment; or

(b) Vessels used by guides for clients fishing for food fish for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

(3) A vessel shall not engage in both charter or sports fishing and commercial fishing on the same day. A vessel may be licensed for both charter boat fishing and for commercial fishing at the same time. The license or delivery permit allowing the activity not being engaged in shall be deposited with the fisheries patrol officer for that area or an agent designated by the director.

(4) Effective until December 31, 1994, in addition to a valid charter boat license, the owner of a charter boat shall obtain and permanently affix to the charter boat license an annual marine fish enhancement research stamp that may be obtained from the department upon payment of thirty dollars.

NEW SECTION. Sec. 16. Sections 7 through 12 and sections 18 and 19 of this act shall constitute a new chapter in Title 75 RCW.

NEW SECTION. Sec. 17. Sections 13 and 14 of this act and RCW 75.28.095(4) shall take effect on January 1, 1990.

NEW SECTION. Sec. 18. Prior to January 1, 1994, the department of fisheries, in cooperation with the advisory panel, shall prepare a report on the status of the research program and make recommendations regarding whether the program should be extended past December 31, 1995. The report shall be submitted to the appropriate fish and wildlife standing committees of the legislature.

NEW SECTION. Sec. 19. Sections 13 and 14 of this act and RCW 75.28.095(4) shall expire on December 31, 1994. Sections 7 through 12 of this act shall expire on December 31, 1995."

POINT OF ORDER

Mr. R. King: Thank you, Mr. Speaker. I would request a ruling on the scope and object of this amendment. The original bill and the House committee amendment deal with methods of setting up enhancement groups for the production of salmon. This amendment deals with bottom fish and, in my opinion at least, goes well beyond the original scope and object of the bill and amendment.

SPEAKER'S RULING

The Speaker: Representative King, the Speaker has examined both Substitute Senate Bill No. 5289 and the amendment to the committee amendment. It is not a difficult call. It is pretty clear that the original bill deals with the establishment of these regional fisheries enhancement groups, particularly to enhance salmon and steelhead. The bill deals with that; the amendment attempts to enhance the resource, but does not deal with the original subject of the bill, which is the formation of these regional fishing groups, and also attempts to bring in a new resource, bottom fish. I find that your point is well taken, Representative King. The amendment is outside the scope and object of the original bill.

Representatives R. King, Basich and S. Wilson spoke in favor of adoption of the committee amendment, and it was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5289 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; absent, 3; excused, 2.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insole, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Spanel, Sprengle, Tate, Todd, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Sommers H, Vaile, Walk - 3.

Excused: Representatives Gallagher, Sommers D - 2.

Substitute Senate Bill No. 5289 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4671, by Representatives K. Wilson, Sprengle, Scott and R. King

WHEREAS, Fifty-six students in grades one through six from Hillcrest Elementary School in Lake Stevens, Washington have signed a petition demonstrating their stance against the use of drugs; and

WHEREAS, These dedicated students have made a commercial discouraging drug abuse; and

WHEREAS, These students will present their petition to the Legislature on April 12, 1989 and will ask the Legislature for help in the fight against drug abuse through stronger legislation; and

WHEREAS, The Hillcrest Elementary School Parent-Teacher Association contributed financial support to the students and adults who will make the trip to the Legislature; and

WHEREAS, Parents and teachers at Hillcrest Elementary School also lent their strong support to the students;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives commend the students of Hillcrest Elementary School, their parents and teachers for their involvement in the war against drugs and for helping make everyone aware of drug abuse among children in our state; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Hillcrest Elementary School and to the Hillcrest Elementary School Parent-Teacher Association.

Ms. K. Wilson moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 89-4671 was adopted.

The Speaker declared the House to be at ease.

The Speaker (Mr. Ebersole presiding) called the House to order.

The Speaker (Mr. Ebersole presiding) declared the House to be at ease until 1:30 p.m.

AFTERNOON SESSION

The Speaker called the House to order at 1:30 p.m. With consent of the House, Representative Fraser was excused.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 89-4672, by Representatives Bowman, Sayan, Brumsickle, Vekich, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Walk, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, On Arbor Day, in the first year of Washington's statehood, Nels Nelson, a Danish immigrant, purchased the first eighty acres of his tree farm from the Northern Pacific Railroad; and

WHEREAS, One hundred years later, in the year of our state's centennial on Arbor Day, this body honors Nels Nelson's son, George H. Nelson, who was named Washington State's Tree Farmer of the Year; and

WHEREAS, This prestigious honor is given to the top nonindustrial tree farmer who has demonstrated exemplary forest management skills, substantial interest in the Tree Farm Program, abilities in relating to other land owners and special human interest; and

WHEREAS, George Nelson was nominated for the finals from among eight hundred certified tree farmers statewide, selected for the title from six finalists and will compete in the regional competition and, if successful, the national competition; and

WHEREAS, Seventy-two year old George Nelson manages his one hundred sixty-acre tree farm near Winlock with the assistance of his family: His wife, Arlene; his sons, George Jr. and Bob; and his daughter, Beverly; and

WHEREAS, George Nelson is recognized by his peers for his high level of enthusiasm for good land stewardship, innovative management practices, pre-commercial and commercial thinning, forest protection and aesthetics, and forestry promotion in the community; and

WHEREAS, The farm includes a thirty-year old, fifty-two acre plantation of trees planted in rows, with one thousand trees to the acre; and

WHEREAS, George Nelson's achievements reflect the spirit of dedication and hard work which have been shared by the leaders of Washington State's important timber industry;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives commend George H. Nelson for being named Washington's Tree Farmer of the Year and wish him the best of luck in the regional competition; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to George H. Nelson.

Ms. Bowman moved adoption of the resolution. Representatives Bowman and Brumsickle spoke in favor of the resolution.

On motion of Mr. Brumsickle, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 89-4672 was adopted.

MESSAGES FROM THE SENATE

April 5, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1858,
HOUSE BILL NO. 1976,
ENGROSSED HOUSE BILL NO. 1996,
HOUSE BILL NO. 2054,
SUBSTITUTE HOUSE BILL NO. 2088,
ENGROSSED HOUSE BILL NO. 2135,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 6, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1250,
ENGROSSED HOUSE BILL NO. 1286,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1322,
ENGROSSED HOUSE BILL NO. 1552,
SUBSTITUTE HOUSE BILL NO. 1952,
ENGROSSED HOUSE BILL NO. 2013,
SUBSTITUTE HOUSE BILL NO. 2036,
HOUSE BILL NO. 2161,
HOUSE JOINT MEMORIAL NO. 4000,
HOUSE JOINT MEMORIAL NO. 4015,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 11, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1426,
ENGROSSED HOUSE BILL NO. 1794,
ENGROSSED HOUSE BILL NO. 1802,
ENGROSSED HOUSE BILL NO. 2051,
ENGROSSED HOUSE BILL NO. 2075,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 12, 1989

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1458,
 HOUSE BILL NO. 1485,
 HOUSE BILL NO. 1618,
 ENGROSSED HOUSE BILL 1709,
 HOUSE BILL NO. 1719,
 HOUSE BILL NO. 1776,
 SUBSTITUTE HOUSE BILL NO. 1857,
 HOUSE BILL NO. 1872,
 HOUSE BILL NO. 2010,
 HOUSE BILL NO. 2037,
 HOUSE JOINT MEMORIAL NO. 4018,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he had signed:

HOUSE BILL NO. 1025,
 HOUSE BILL NO. 1062,
 HOUSE BILL NO. 1117,
 HOUSE BILL NO. 1162,
 HOUSE BILL NO. 1163,
 SUBSTITUTE HOUSE BILL NO. 1192,
 HOUSE BILL NO. 1205,
 HOUSE BILL NO. 1282,
 SUBSTITUTE HOUSE BILL NO. 1287,
 HOUSE BILL NO. 1290,
 HOUSE BILL NO. 1330,
 HOUSE BILL NO. 1348,
 SUBSTITUTE HOUSE BILL NO. 1355,
 SUBSTITUTE HOUSE BILL NO. 1379,
 HOUSE BILL NO. 1418,
 HOUSE BILL NO. 1454,
 HOUSE BILL NO. 1468,
 HOUSE BILL NO. 1480,
 SUBSTITUTE HOUSE BILL NO. 1503,
 SUBSTITUTE HOUSE BILL NO. 1548,
 SUBSTITUTE HOUSE BILL NO. 1639,
 SUBSTITUTE HOUSE BILL NO. 1651,
 SUBSTITUTE HOUSE BILL NO. 1658,
 HOUSE BILL NO. 1689,
 HOUSE BILL NO. 1762,
 SUBSTITUTE HOUSE BILL NO. 1774,
 HOUSE BILL NO. 2158.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5868, by Committee on Environment & Natural Resources (originally sponsored by Senator Kreidler)

Allowing hunters to use big game permits in January following the year of issuance.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. S. Wilson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5868, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Fraser, Gallagher, Sommers D - 3.

Engrossed Substitute Senate Bill No. 5868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5984, by Committee on Agriculture (originally sponsored by Senators Newhouse and Barr)

Modifying water conservation procedures in the Yakima river basin.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, March 29, 1989.)

Ms. Rayburn moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn and Doty spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5984 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fuhrman, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Haugen - 1.

Excused: Representatives Fraser, Gallagher, Sommers D - 3.

Engrossed Substitute Senate Bill No. 5984 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE JOINT MEMORIAL NO. 8002, by Senators Metcalf, Sutherland and Benitz

Requesting a Western States Recycling Coalition.

The memorial was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Representatives Rust and Walker spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8002, and the memorial passed the House by the following vote: Yeas, 94; absent, 1; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 94.

Absent: Representative Zellinsky - 1.

Excused: Representatives Fraser, Gallagher, Sommers D - 3.

Senate Joint Memorial No. 8002, having received the constitutional majority, was declared passed.

SENATE JOINT RESOLUTION NO. 8200, by Senators Pullen, Talmadge, Thorsness, Newhouse, Madsen, Rasmussen, Benitz and Nelson; by request of Attorney General Amending the state Constitution to provide for rights of crime victims.

The resolution was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 73rd Day, March 22, 1989.)

Mr. Crane moved adoption of the committee amendments. Mr. Crane spoke in favor of adoption of the committee amendments, and Mr. Padden opposed them. The committee amendments were not adopted.

Mr. Tate moved adoption of the following amendment by Representatives Tate, Insee and Padden:

Beginning on page 1, line 1, strike everything and insert the following:

"BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article I, section -- of the Constitution of the state of Washington to read as follows:

Article I, section --. Effective law enforcement depends on cooperation from victims of crime. To ensure victims a meaningful role in the criminal justice system and to accord them due dignity and respect, victims of crime are hereby granted the following basic and fundamental rights.

Upon notifying the prosecuting attorney, a victim of a crime charged as a felony shall have the right to be informed of and attend trial and all other court proceedings the defendant has the right to attend, and to make a statement at sentencing and at any proceeding where the defendant's release is considered, subject to the same rules of procedure which govern the defendant's rights. In the event the victim is deceased, incompetent, a minor, or otherwise unavailable, the prosecuting attorney may identify a representative to appear to exercise the victim's rights. This provision shall not constitute a basis for error in favor of a defendant in a criminal proceeding nor a basis for providing a victim or the victim's representative with court appointed counsel.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

MOTION

Mr. Ebersole moved that the House defer further consideration of Senate Joint Resolution No. 8200 and that the resolution hold its place on the second reading calendar. The motion was carried.

MOTION

Mr. Heavey moved that the House consider the following bills on the second reading calendar in the following order: Substitute Senate Bill No. 5469, Senate Bill No. 5023, Engrossed Senate Bill No. 5121, Senate Bill No. 5143, and Engrossed Substitute Senate Bill No. 5911. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5469, by Committee on Health Care & Corrections (originally sponsored by Senators Nelson and Talmadge)

Revising record release criteria for alcoholism treatment facility patients.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Bristow and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5469, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Fraser, Gallagher, Sommers D - 3.

Substitute Senate Bill No. 5469, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5023, by Senators Benitz and Williams; by request of Washington Utilities and Transportation Commission

Revising provisions for proposed tariff changes.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Nelson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5023, and the bill passed the House by the following vote: Yeas, 94; absent, 1; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Basich - 1.

Excused: Representatives Fraser, Gallagher, Sommers D - 3.

Senate Bill No. 5023, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5121, by Senators Fleming, Bailey, Talmadge, Gaspard, Murray, Smith, Moore and Benitz

Creating a mobile substance abuse awareness program.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 78th Day, March 27, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Education.

Mr. G. Fisher moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives G. Fisher and Brumsickle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5121 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; absent, 2; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Cooper, Myers H - 2.

Excused: Representatives Fraser, Gallagher, Sommers D - 3.

Engrossed Senate Bill No. 5121 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Fraser appeared at the bar of the House.

SENATE BILL NO. 5143, by Senators Pullen, Madsen, Talmadge and Moore

Discussing ballot pages and the placement of candidates' names on them.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Anderson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5143, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Sommers D - 2.

Senate Bill No. 5143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5911, by Committee on Ways & Means (originally sponsored by Senators Amondson, Stratton, Hayner, Owen, McDonald, Newhouse, Anderson, Matson, Johnson, Smith, Lee, Bailey, Cantu, Thorsness, Patterson, Benitz, Nelson, Saling, Sellar, Craswell, Barr, McCaslin, Conner, Rasmussen, DeJarnatt and Bauer)

Providing for the sale of state timber.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Natural Resources & Parks.

Ms. Belcher moved adoption of the committee amendment.

Ms. Belcher moved adoption of the following amendments to the committee amendment:

On page 3, line 20, after "enterprises" strike all material down to and including "list." on page 4, line 6, and insert "which meet all of the following criteria: (a) at least fifty percent by volume of the timber purchased by the enterprise in the previous three years was state- or federally-owned; (b) at least seventy-five percent by volume of the timber purchased by the enterprise in the previous year was processed in Washington state; and (c) the enterprise operates facilities in Washington which manufacture lumber, plywood, veneer, posts, poles, pilings, shakes, or shingles. For purposes of these criteria, 'processed' means manufactured into lumber, plywood, veneer, posts, poles, pilings, shakes, or shingles.

Once the board of natural resources has accepted the petition of a county to reserve a portion of timber pursuant to this section, the department shall compile a list of enterprises which meet the criteria listed in this section. An enterprise must petition the department for inclusion in the list of eligible enterprises, and must include with the petition certified records sufficient to establish that the enterprise meets the criteria listed in this section. If an enterprise purchases a processing facility, the enterprise may incorporate the records of that facility in its petition for inclusion in the list of eligible enterprises. The department shall establish by rule what types of records are acceptable for purposes of establishing eligibility. Timber reserved under this section shall be sold only to enterprises contained in the list of eligible firms prepared by the department.

For each sale of timber under this section, the department shall require the purchaser to: (a) submit annually, until all unprocessed timber is accounted for, a certified report on the disposition of any unprocessed timber harvested from the sale, including a description of unprocessed timber which is sold, exchanged, or otherwise disposed of to another enterprise and a description of the relationship with the other enterprise; (b) submit annually, until all unprocessed timber from the sale is accounted for, a certified report on the sale of any unprocessed timber from private lands which is exported or sold for export; and (c) maintain records of all such transactions involving unprocessed timber, and to make such records available for inspection and verification by the department for up to three years after the sale is terminated.

For purposes of this section, "enterprise" means any business concern and its affiliates, as that term is defined in 13 C.F.R. 121.3, in effect as of January 1, 1988."

On page 4, line 25, after "which" strike all material through and including "notice." on page 4, line 27, and insert "has been approved for auction by the board of natural resources before the board receives the notice."

Representatives Belcher, Hargrove and Fuhrman spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Ms. Belcher moved adoption of the following amendment to the committee amendment:

On page 14, line 7, after "lands," strike all material through "1991" on page 15, line 18, and insert the following:

"(3) The department of natural resources shall increase its labor intensive forest land management activities in areas of the state adversely impacted by reductions in timber sales from federal lands through direct employment or contracts. Activities provided for under this section shall be in addition to and shall not supplant or displace activities normally administered by the department. Except for administrative employees, employment by the department provided for under this section shall be reserved for unemployed individuals who were formerly employed in the timber industry. Enterprises shall not be eligible for contracts under this section unless more than fifty percent of their employees have been previously employed in the timber industry. The department shall, to the extent feasible, offer the additional contracts in sizes which does not discourage participation by small enterprises. The department shall cooperate with the department of employment security in disseminating information on department forest

land management activities to unemployed individuals who have been employed in the timber industry.

(4) The department of employment security shall provide services for job placement for the employment opportunities provided for by section 8, subsection (3) of this act. Job placement services shall include widely disseminating information on the availability of department of natural resources employment opportunities and contracts for forest land management activities and information on procedures for bidding on such contracts. These job placement services shall be provided to unemployed individuals who have been employed in the timber industry. The department shall keep track of the number of former timber workers who obtain employment under this section and shall determine whether enterprises are eligible to receive the contracts provided for under this section. The department of employment security shall report to the Governor and to the appropriate committees of the legislature its findings on January 1, 1990 and January 1, 1991."

Representatives Belcher, Beck and Hargrove spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Fuhrman spoke against adoption of the committee amendment as amended, and Representatives Hargrove, Belcher, Basich and Jones spoke in favor of it. The committee amendment as amended was adopted.

POINT OF PERSONAL PRIVILEGE

Mr. Schoon: Mr. Speaker, I object to the process whereby we pass amendments that we don't have on our desks. I raised the question to the Chief Clerk, and it has since been distributed. I thought we would at least have the courtesy to see the amendments, and now that we have the amendments, I would like to make a motion.

MOTION FOR RECONSIDERATION

Mr. Schoon, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the amendments by Representative Belcher on page 3, line 20, and on page 4, line 25, to Engrossed Substitute Senate Bill No. 5911 were adopted by the House.

SPEAKER'S RULING

The Speaker: Representative Schoon, that motion would be out of order. We have had action since the adoption of the amendment to the amendment that you are now asking us to reconsider. If you would like a chance, with the forbearance and immense tolerance of the House, to reconsider the committee amendment as amended, feel free to make your motion. Representative Schoon, do you wish to make a motion?

MOTION FOR RECONSIDERATION

Ms. Brough, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the amendment by Committee on Natural Resources & Parks as amended was adopted by the House.

The motion was not carried.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Belcher, Vekich, Hargrove, Sayan, Jones and Bowman spoke in favor of passage of the bill, and Representatives Schoon and Fuhrman opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5911 as amended by the House, and the bill passed the House by the following vote: Yeas, 77; nays, 19; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Bowman, Braddock, Brekke, Bristow, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Horn, Inslie, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Sommers H, Spanel, Sprengle,

Tate, Todd, Valle, Van Luven, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 77.

Voting nay: Representatives Ballard, Beck, Betzozoff, Brooks, Chandler, Doty, Fuhrman, Hankins, Holland, McLean, Nealey, Padden, Patrick, Prince, Schoon, Smith, Walker, Wolfe, Youngsman - 19.

Excused: Representatives Gallagher, Sommers D - 2.

Engrossed Substitute Senate Bill No. 5911 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Heavey moved that the House immediately consider Substitute Senate Bill No. 5144 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5144, by Committee on Governmental Operations (originally sponsored by Senators Pullen and DeJarnatt)

Preserving documents recorded with the county auditors.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 78th Day, March 27, 1989.)

Ms. Haugen moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5144 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Sommers D - 2.

Substitute Senate Bill No. 5144 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND SUBSTITUTE SENATE BILL NO. 5174, by Committee on Ways & Means (originally sponsored by Senators Benitz, Williams and Madsen; by request of Washington State Energy Office)

Furthering the state hydropower plan.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nelson and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5174, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R,

Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Sommers D - 2.

Second Substitute Senate Bill No. 5174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5191, by Committee on Law & Justice (originally sponsored by Senators Pullen, Niemi and Nelson; by request of Sentencing Guidelines Commission)

Standardizing application of good-time credit statutes.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 71st Day, March 20, 1989.)

Mr. Crane moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Crane, Appelwick and Schoon spoke in favor of passage of the bill, and Representatives Patrick and Padden opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5191 as amended by the House, and the bill passed the House by the following vote: Yeas, 53; nays, 42; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisher R, Fraser, Grant, Hine, Jacobsen, Jones, King P, King R, Leonard, Locke, May, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schoon, Scott, Sommers H, Spanel, Sprenkle, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Wood, and Mr. Speaker - 53.

Voting nay: Representatives Ballard, Baugher, Beck, Betrozoff, Bowman, Bristow, Brooks, Brough, Brumsickle, Chandler, Dorn, Ferguson, Fisher G, Fuhrman, Hankins, Hargrove, Haugen, Heavey, Holland, Horn, Inslee, Jesernig, Kremen, McLean, Meyers R, Miller, Moyer, Padden, Patrick, Phillips, Prince, Rayburn, Schmidt, Smith, Tate, Todd, Van Luven, Walker, Wilson S, Wolfe, Youngsman, Zellinsky - 42.

Absent: Representative Silver - 1.

Excused: Representatives Gallagher, Sommers D - 2.

Substitute Senate Bill No. 5191 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENTS FOR THE JOURNAL

I voted incorrectly on the final passage of Substitute Senate Bill No. 5191 as amended by the House. It was my intent to vote "No," and I inadvertently voted "Yes."

SHIRLEY L. DOTY, 14th District.

It was my intent to vote "No" on the final passage of Substitute Senate Bill No. 5191 as amended by the House. I inadvertently voted "Yes."

DARWIN R. NEALEY, 9th District.

SUBSTITUTE SENATE BILL NO. 5197, by Committee on Law & Justice (originally sponsored by Senators Pullen, Talmadge, Nelson, Rasmussen and Warnke; by request of Governor)

Broadening the definition of executive state officer.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Anderson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5197, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Srenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Brooks - 1.

Excused: Representatives Gallagher, Sommers D - 2.

Substitute Senate Bill No. 5197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I did not make it in from the wings quite on time. My vote on final passage of Substitute Senate Bill No. 5197 is "Yea."

PETER T. BROOKS, 16th District.

ENGROSSED SENATE BILL NO. 5328, by Senators Bluechel, Lee, Smitherman and Warnke; by request of Director of Trade and Economic Development

Revising provisions for the community economic revitalization board.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 75th Day, March 24, 1989.)

Ms. Cantwell moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

The bill was passed to Committee on Rules for third reading.

The Speaker called on Mr. O'Brien to preside.

SENATE BILL NO. 5368, by Senators Nelson and Bender; by request of Legislative Transportation Committee

Changing the criteria for determining priority for urban arterial improvement projects.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Baugher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5368, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell,

Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Sommers D - 2.

Senate Bill No. 5368, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5452, by Senators Nelson and Vognild

Raising vehicle license fees.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Baugher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5452, and the bill passed the House by the following vote: Yeas, 92; nays, 4; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Chandler, Inslee, Jesernig, Wolfe - 4.

Excused: Representatives Gallagher, Sommers D - 2.

Senate Bill No. 5452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5466, by Senators McCaslin, DeJarnatt and Thorsness; by request of Insurance Commissioner

Removing an employee of the insurance commissioner from the building code council.

The bill was read the second time. Committee on Housing recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, March 29, 1989.)

Ms. Nutley moved adoption of the committee amendment.

Ms. Spanel moved adoption of the following amendment by Representatives Spanel and Nutley to the committee amendment:

On page 8, after line 7 of the striking amendment, insert the following:

*NEW SECTION, Sec. 7. A new section is added to chapter 19.27 RCW to read as follows:

Any county of the seventh class that had in effect on July 1, 1985, an ordinance or resolution authorizing and regulating the construction of owner-built residences may reenact such an ordinance or resolution if the ordinance or resolution is reenacted before September 30, 1989. After reenactment, the county shall transmit a copy of the ordinance or resolution to the state building code council.*

Renumber the remaining section consecutively.

Ms. Spanel spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Ms. Nutley spoke in favor of adoption of the committee amendment as amended, and it was adopted.

On motion of Ms. Nutley, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5466 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Sommers D - 2.

Senate Bill No. 5466 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5486, by Committee on Economic Development & Labor (originally sponsored by Senators McCaslin, DeJarnatt, Thorsness and Johnson)

Revising provisions for real estate brokers and salespersons.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Cole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5486, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Sommers D - 2.

Substitute Senate Bill No. 5486, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5501, by Committee on Health Care & Corrections (originally sponsored by Senators West, Wojahn, Niemi, Johnson and Amondson; by request of Department of Corrections)

Modifying indemnification of contract providers to the department of corrections.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Braddock and Wolfe spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5501, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Sommers D - 2.

Substitute Senate Bill No. 5501, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5553, by Committee on Transportation (originally sponsored by Senators Patterson, Hansen, Madsen and Benitz; by request of Utilities and Transportation Commission)

Deregulating excursion buses.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Baugher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5553, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Sommers D - 2.

Substitute Senate Bill No. 5553, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5583, by Senators Pullen, Newhouse, Nelson, Rasmussen and Talmadge

Replacing the Washington business corporation act.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

MOTION

Mr. Appelwick moved that the official comments of the Corporate Act Revision Committee of the Washington State Bar Association, which describe the intent of the act, be spread upon the Journal.

SPEAKER'S RULING

The Speaker (Mr. O'Brien presiding): Representative Appelwick, it appears that the request is somewhat unusual at this time. Could you afterwards, sometime when you have the written comments and on a Point of Personal Privilege, ask for

those comments to be inserted into the Journal and not make this a part of the discussion right now, because the motion now would be out of order. You have the right under Personal Privilege to insert those comments into the Journal, but right now we want to act on the bill on final passage.

Mr. Appelwick spoke in favor of passage of the bill.

MOTION

Ms. Schmidt moved that the remarks of Representative Appelwick be spread upon the Journal.

REMARKS OF REPRESENTATIVE APPELWICK

Mr. Appelwick: This bill is a modernization and rewrite of the Washington Corporations Act. It was done by the Corporate Act Revision Committee of the Washington State Bar Association as an ongoing project. It is a major recodification. Because the act is being substantially reorganized, it will have the effect of causing a number of the citations not to correspond perspectively and it will raise questions about continuing intent. Because this is one of the more major acts, on which our commerce relies, many felt it was important, and I concur, that the commentary and the intent of the new language in the sections be made clear and be part of the act. So, following passage of the bill, I will rise to add that language to our Journal. I urge your support.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5583, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Sommers D - 2.

Engrossed Senate Bill No. 5583, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF PERSONAL PRIVILEGE

Mr. Appelwick: I would like to request that the official commentary prepared by the Corporate Act Revision Committee of the Washington State Bar Association, describing Engrossed Senate Bill No. 5583, be inserted into the Journal of the House.

Mr. Appelwick withdrew his request.

EDITOR'S NOTE: See Senate Journal, Appendix A, for comments on the proposed Washington Business Corporation Act prepared by the Corporate Act Revision Committee of the Washington State Bar Association.

SUBSTITUTE SENATE BILL NO. 5591, by Committee on Transportation (originally sponsored by Senators Patterson, DeJarnatt and Sellar; by request of Department of Transportation)

Prescribing penalties for unfranchised use of highway right-of-way.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, March 31, 1989.)

Mr. Baugher moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Baugher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5591 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Sommers D - 2.

Substitute Senate Bill No. 5591 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5595, by Senators Nelson, Wojahn, Smith, Conner, Newhouse, Niemi, von Reichbauer and Johnson

Allowing distribution of drug samples.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Braddock and Wolfe spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5595, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Bristow, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Sommers D - 2.

Senate Bill No. 5595, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2231 by Representative Wang

AN ACT Relating to fiscal matters. (t.o.)

Referred to Committee on Rules.

HB 2232 by Representative Wang

AN ACT Relating to excise taxation. (t.o.)

Referred to Committee on Rules.

HB 2233 by Representative Wang

AN ACT Relating to revenue and taxation. (t.o.)

Referred to Committee on Rules.

HB 2234 by Representative Wang

AN ACT Relating to property taxation. (t.o.)

Referred to Committee on Rules.

HB 2235 by Representative Wang

AN ACT Relating to local government fiscal matters. (t.o.)

Referred to Committee on Rules.

HB 2236 by Representative R. Fisher

AN ACT Relating to state personnel administration. (t.o.)

Referred to Committee on Rules.

The Speaker (Mr. O'Brien presiding) referred the bills listed on today's supplemental introduction sheet under the fourth order of business to the committees so designated.

SENATE AMENDMENTS TO HOUSE BILL

March 29, 1989

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1793 with the following amendments:

Strike everything after the enacting clause and insert the following:
"INDEX

- Part I. Criminal Penalties
 - A. Crimes and Penalties
 - B. Juvenile Justice Boot Camp Pilot Project
 - C. Juvenile Driver's License Revocation
- Part II. Prevention, Investigation, and Procedure
 - A. One-Party Consent
 - B. Monitoring of Inmate Telephone Calls
 - C. Property Forfeiture
 - D. Off-Limits Orders
 - E. Drug Site Cleanup
 - F. Keg Registration
 - G. Special Narcotics Enforcement Unit
 - H. State-wide Drug Prosecution Assistance Program
- Part III. Social Programs and Education
 - A. Involuntary Treatment
 - B. Prevention and Early Intervention in Schools
 - C. Drug and Alcohol Treatment Services
 - D. Community Mobilization
- Part IV. Appropriations
- Part V. Revenue Provisions
- Part VI. Miscellaneous

PART I
CRIMINAL PENALTIES
SUBPART A
CRIMES AND PENALTIES

Sec. 101. Section 2, chapter 115, Laws of 1983 as last amended by section 1, chapter 218, Laws of 1988 and RCW 9.94A.310 are each amended to read as follows:

(1) TABLE 1
Sentencing Grid

SERIOUSNESS SCORE	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XIV	Life Sentence without Parole/Death Penalty									
XIII	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y
	240-	250-	261-	271-	281-	291-	312-	338-	370-	411-
	320	333	347	361	374	388	416	450	493	548

SERIOUSNESS SCORE	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XII	12y 123- 164	13y 134- 178	14y 144- 192	15y 154- 205	16y 165- 219	17y 175- 233	19y 195- 260	21y 216- 288	25y 257- 342	29y 298- 397
XI	6y 62- 82	6y9m 69- 92	7y6m 77- 102	8y3m 85- 113	9y 93- 123	9y9m 100- 133	12y6m 129- 171	13y6m 139- 185	15y6m 159- 212	17y6m 240
X	5y 51- 68	5y6m 57- 75	6y 62- 82	6y6m 67- 89	7y 72- 96	7y6m 77- 102	9y6m 98- 130	10y6m 108- 144	12y6m 129- 171	14y6m 149- 198
IX	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	5y 51- 68	5y6m 57- 75	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144	12y6m 129- 171
VIII	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144
VII	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116
VI	13m 12+- 14	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y6m 46- 61	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102
V	9m 6- 12	13m 12+- 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y 41- 54	5y 51- 68	6y 62- 82	7y 72- 96
IV	6m 3- 9	9m 6- 12	13m 12+- 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y2m 53- 70	6y2m 63- 84
III	2m 1- 3	5m 3- 8	8m 4- 12	11m 9- 12	14m 12+- 16	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y 51- 68
II		4m 0-90 Days	6m 2- 9	8m 3- 12	13m 4- 14	16m 12+- 18	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57
I		0-60 Days	3m 2- 5	4m 2- 6	5m 3- 8	8m 4- 12	13m 12+- 14	16m 14- 18	20m 17- 22	2y2m 22- 29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon as defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice was armed with a deadly weapon and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following times shall be added to the presumptive range determined under subsection (2) of this section:

- (a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1 (RCW 9A.40.020)
- (b) 18 months for Burglary 1 (RCW 9A.52.020)
- (c) 12 months for Assault 2 (RCW ~~(9A.36.020)~~ 9A.36.021), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug offense.

(4) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of section 112 of this 1989 act.

Sec. 102. Section 2, chapter 62, Laws of 1988, section 12, chapter 145, Laws of 1988, section 2, chapter 218, Laws of 1988 and RCW 9.94A.320 are each reenacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030) Homicide by abuse (RCW 9A.32.055)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW 9A.36.011)
X	Kidnapping 1 (RCW 9A.40.020) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1)) Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 ((and 3 years junior)) (RCW 69.50.406) Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	Robbery 1 (RCW 9A.56.200) Manslaughter 1 (RCW 9A.32.060) Explosive devices prohibited (RCW 70.74.180) Endangering life and property by explosives with threat to human being (RCW 70.74.270) Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406) Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a)) Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
VIII	Arson 1 (RCW 9A.48.020) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076) Child Molestation 1 (RCW 9A.44.083) Promoting Prostitution 1 (RCW 9A.88.070) Selling heroin for profit (RCW 69.50.410) <u>Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))</u> <u>Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))</u>
VII	Burglary 1 (RCW 9A.52.020) Vehicular Homicide (RCW 46.61.520) Introducing Contraband 1 (RCW 9A.76.140) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b)) Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050) Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
VI	Bribery (RCW 9A.68.010) Manslaughter 2 (RCW 9A.32.070) Child Molestation 2 (RCW 9A.44.086) Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130) Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2)) Endangering life and property by explosives with no threat to human being (RCW 70.74.270) Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b)) Incest 1 (RCW 9A.64.020(1)) Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)

- Manufacture, deliver, or possess with intent to deliver (~~heroin or~~) narcotics from Schedule I or II (~~except heroin or cocaine~~) (RCW 69.50.401(a)(1)(i))
- V Intimidating a Judge (RCW 9A.72.160)
 Criminal Mistreatment 1 (RCW 9A.42.020)
 Rape 3 (RCW 9A.44.060)
 Kidnapping 2 (RCW 9A.40.030)
 Extortion 1 (RCW 9A.56.120)
 Incest 2 (RCW 9A.64.020(2))
 Perjury 1 (RCW 9A.72.020)
 Extortionate Extension of Credit (RCW 9A.82.020)
 Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 Rendering Criminal Assistance 1 (RCW 9A.76.070)
- IV Theft of Livestock 1 (RCW 9A.56.080)
 Robbery 2 (RCW 9A.56.210)
 Assault 2 (RCW 9A.36.021)
 Escape 1 (RCW 9A.76.110)
 Arson 2 (RCW 9A.48.030)
 Rape of a Child 3 (RCW 9A.44.079)
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Malicious Harassment (RCW 9A.36.080)
 Willful Failure to Return from Furlough (RCW 72.66.060)
 Hit and Run -- Injury Accident (RCW 46.52.020(4))
 Vehicular Assault (RCW 46.61.522)
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (~~except marijuana or methamphetamines~~) (RCW 69.50.401(a)(1)(ii) through (iv))
 Influencing Outcome of Sporting Event (RCW 9A.82.070)
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
 Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Criminal mistreatment 2 (RCW 9A.42.030)
 Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
 Child Molestation 3 (RCW 9A.44.089)
 Extortion 2 (RCW 9A.56.130)
 Unlawful Imprisonment (RCW 9A.40.040)
 Assault 3 (RCW 9A.36.031)
 Unlawful possession of firearm or pistol by felon (RCW 9A.41.040)
 Harassment (RCW 9A.46.020)
 Promoting Prostitution 2 (RCW 9A.88.080)
 Willful Failure to Return from Work Release (RCW 72.65.070)
 Introducing Contraband 2 (RCW 9A.76.150)
 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 Patronizing a Juvenile Prostitute (RCW 9.68A.100)
 Escape 2 (RCW 9A.76.120)
 Perjury 2 (RCW 9A.72.030)
 Intimidating a Public Servant (RCW 9A.76.180)
 Tampering with a Witness (RCW 9A.72.120)
 Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
 Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
 Theft of livestock 1 (RCW 9A.56.080)
- II Malicious Mischief 1 (RCW 9A.48.070)
 Possession of Stolen Property 1 (RCW 9A.56.150)
 Theft 1 (RCW 9A.56.030)
 Burglary 2 (RCW 9A.52.030)
 Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
 Possession of phencyclidine (PCP) (RCW 69.50.401(d))
 Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
 Computer Trespass 1 (RCW 9A.52.110)
 Reckless Endangerment 1 (RCW 9A.36.--- (section 108 of this 1989 act))
- I Theft 2 (RCW 9A.56.040)
 Possession of Stolen Property 2 (RCW 9A.56.160)
 Forgery (RCW 9A.60.020)
 Taking Motor Vehicle Without Permission (RCW 9A.56.070)
 Vehicle Prowl 1 (RCW 9A.52.095)
 Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 Malicious Mischief 2 (RCW 9A.48.080)

Reckless Burning 1 (RCW 9A.48.040)
 Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
 False Verification for Welfare (RCW 74.08.055)
 Forged Prescription (RCW 69.41.020)
 Forged Prescription for a Controlled Substance (RCW 69.50.403)
 Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

Sec. 103. Section 7, chapter 115, Laws of 1983 as last amended by section 12, chapter 153, Laws of 1988 and by section 3, chapter 157, Laws of 1988 and RCW 9.94A.360 are each reenacted and amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed 'other current offenses' within the meaning of RCW 9.94A.400.

(2) Except as provided in subsection (4) of this section, class A prior felony convictions shall always be included in the offender score. Class B prior felony convictions shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without being convicted of any felonies. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law.

(4) Include class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

(5) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(6) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses, and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used;

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score; and

(c) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(7) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(8) If the present conviction is for a nonviolent offense and not covered by subsection (12) or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(9) If the present conviction is for a violent offense and not covered in subsection (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, Homicide by Abuse, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these

categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(11) If the present conviction is for Burglary 1, count prior convictions as in subsection (9) of this section; however count two points for each prior adult Burglary 2 conviction, and one point for each prior juvenile Burglary 2 conviction.

(12) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense or serious traffic offense, count one point for each adult and 1/2 point for each juvenile prior conviction.

(13) If the present conviction is for a drug offense count ~~((two))~~ three points for each adult prior felony drug offense conviction and ~~((one))~~ two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (9) of this section if the current drug offense is violent, or as in subsection (8) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, or Willful Failure to Return from Work Release, RCW 72.65.070, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2, count priors as in subsection (8) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 conviction, and one point for each juvenile prior Burglary 2 conviction.

(17) If the present conviction is for an offense committed while the offender was under community placement, add one point.

Sec. 104. Section 69.50.401, chapter 308, Laws of 1971 ex. sess. as last amended by section 4, chapter 458, Laws of 1987 and RCW 69.50.401 are each amended to read as follows:

(a) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(i) a controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or (A) fined not more than twenty-five thousand dollars if the crime involved less than two kilograms of the drug, or both such imprisonment and fine; or (B) if the crime involved two or more kilograms of the drug, then fined not more than one hundred thousand dollars for the first two kilograms and not more than fifty dollars for each gram in excess of two kilograms, or both such imprisonment and fine;

(ii) any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(i) a counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(ii) any other counterfeit substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(c) It is unlawful, except as authorized in this chapter and chapter 69.41 RCW, for any person to offer, arrange, or negotiate for the sale, gift, delivery, dispensing, distribution, or administration of a controlled substance to any person and then sell, give, deliver, dispense, distribute, or administer to that person any other liquid, substance, or material in lieu of such controlled substance. Any person who violates this subsection is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(d) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a crime, and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both, except as provided for in subsection (e) of this section.

(e) Except as provided for in subsection (a)(1)(ii) of this section any person found guilty of possession of forty grams or less of marihuana shall be guilty of a misdemeanor.

(f) It is unlawful to compensate, threaten, solicit, or in any other manner involve a person under the age of eighteen years in a transaction unlawfully to manufacture, sell, or deliver a controlled substance. A violation of this subsection shall be punished as a class C felony punishable in accordance with RCW 9A.20.021.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.410.

NEW SECTION. Sec. 105. A new section is added to chapter 69.50 RCW to read as follows:

A person who is convicted of a misdemeanor violation of any provision of this chapter shall be punished by imprisonment for not less than twenty-four consecutive hours, and by a fine of not less than two hundred fifty dollars. On a second or subsequent conviction, the fine shall not be less than five hundred dollars. These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community service. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.

NEW SECTION. Sec. 106. A new section is added to chapter 69.50 RCW to read as follows:

(1) Every person convicted of a felony violation of RCW 69.50.401, 69.50.402, 69.50.403, 69.50.406, 69.50.407, 69.50.410, or 69.50.415 shall be fined one thousand dollars in addition to any other fine or penalty imposed. Unless the court finds the person to be indigent, this additional fine shall not be suspended or deferred by the court.

(2) On a second or subsequent conviction for violation of any of the laws listed in subsection (1) of this section, the person shall be fined two thousand dollars in addition to any other fine or penalty imposed. Unless the court finds the person to be indigent, this additional fine shall not be suspended or deferred by the court.

NEW SECTION. Sec. 107. A new section is added to chapter 69.50 RCW to read as follows:

It is unlawful for any person to deliver, or possess with intent to deliver, hypodermic syringes, needles, or other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body, knowingly or under circumstances where the person reasonably should know that such syringes, needles, or other objects will be used or are intended to be used to unlawfully introduce a controlled substance into the human body. Any person who violates this section is guilty of a misdemeanor.

NEW SECTION. Sec. 108. A new section is added to chapter 9A.36 RCW to read as follows:

(1) A person is guilty of reckless endangerment in the first degree when he or she recklessly discharges a firearm at a dwelling, building, or motor vehicle and the discharge is either from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm to the scene of the discharge.

(2) Reckless endangerment in the first degree is a class C felony.

Sec. 109. Section 9A.36.050, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.050 are each amended to read as follows:

(1) A person is guilty of reckless endangerment in the second degree when he recklessly engages in conduct ~~((which creates a substantial risk of death or serious physical injury to another person))~~ not amounting to reckless endangerment in the first degree.

(2) Reckless endangerment in the second degree is a gross misdemeanor.

Sec. 110. Section 10, chapter 270, Laws of 1984 as amended by section 11, chapter 455, Laws of 1985 and RCW 9A.82.100 are each amended to read as follows:

(1) (a) A person who sustains injury to his or her person, business, or property by an act of criminal profiteering that is part of a pattern of criminal profiteering activity or by a violation of RCW 9A.82.060 or 9A.82.080 may file an action in superior court for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(b) The attorney general or county prosecuting attorney may file an action: (i) On behalf of those persons injured or, respectively, on behalf of the state or county if the entity has sustained damages, or (ii) to prevent, restrain, or remedy a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080.

(c) An action for damages filed by or on behalf of an injured person, the state, or the county shall be for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(d) In an action filed to prevent, restrain, or remedy a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080, the court, upon proof of the violation, may impose a civil penalty not exceeding two hundred fifty thousand dollars, in addition to awarding the cost of the suit, including reasonable investigative and attorney's fees.

(2) The superior court has jurisdiction to prevent, restrain, and remedy a pattern of criminal profiteering or a violation of RCW 9A.82.060 or 9A.82.080 after making provision for the rights of all innocent persons affected by the violation and after hearing or trial, as appropriate, by issuing appropriate orders.

(3) Prior to a determination of liability, orders issued under subsection (2) of this section may include, but are not limited to, entering restraining orders or prohibitions or taking such other actions, including the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to damages, forfeiture, or other restraints pursuant to this section as the court deems proper. The orders may also include attachment, receivership, or injunctive relief in regard to personal or real property pursuant to Title 7 RCW. In shaping the reach or scope of receivership, attachment, or injunctive relief, the superior court shall provide for the protection of bona fide interests in property, including community property, of persons who were not involved in the violation of this chapter, except to the extent that such interests or property were acquired or used in such a way as to be subject to forfeiture under RCW 9A.82.100(4)(f).

(4) Following a determination of liability, orders may include, but are not limited to:

(a) Ordering any person to divest himself or herself of any interest, direct or indirect, in any enterprise.

(b) Imposing reasonable restrictions on the future activities or investments of any person, including prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect the laws of this state, to the extent the Constitutions of the United States and this state permit.

(c) Ordering dissolution or reorganization of any enterprise.

(d) Ordering the payment of actual damages sustained to those persons injured by a violation of RCW 9A.82.060 or 9A.82.080 or an act of criminal profiteering that is part of a pattern of criminal profiteering, and in the court's discretion, increasing the payment to an amount not exceeding three times the actual damages sustained.

(e) Ordering the payment of all costs and expenses of the prosecution and investigation of a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080, civil and criminal, incurred by the state or county, including any costs of defense provided at public expense, as appropriate to the state general fund or the antiprofitteering revolving fund of the county.

(f) Ordering forfeiture first as restitution to any person damaged by an act of criminal profiteering that is part of a pattern of criminal profiteering then to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered to be paid in other damages, of the following:

(i) Any property or other interest acquired or maintained in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds, and any appreciation or income attributable to the investment, from a violation of RCW 9A.82.060 or 9A.82.080.

(ii) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(iii) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate commission of the offense.

(g) Ordering payment to the state general fund or antiprofitteering revolving fund of the county, as appropriate, of an amount equal to the gain a person has acquired or maintained through an offense included in the definition of criminal profiteering.

(5) In addition to or in lieu of an action under this section, the attorney general or county prosecuting attorney may file an action for forfeiture to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered paid pursuant to this section, of the following:

(a) Any interest acquired or maintained by a person in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds obtained from a violation of RCW 9A.82.060 or 9A.82.080 and any appreciation or income attributable to the investment.

(b) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(c) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate the commission of the offense.

(6) A defendant convicted in any criminal proceeding is precluded in any civil proceeding from denying the essential allegations of the criminal offense proven in the criminal trial in which the defendant was convicted. For the purposes of this subsection, a conviction shall be deemed to have occurred upon a verdict, finding, or plea of guilty, notwithstanding the fact that appellate review of the conviction and sentence has been or may be sought. If a subsequent reversal of the conviction occurs, any judgment that was based upon that conviction may be reopened upon motion of the defendant.

(7) The initiation of civil proceedings under this section shall be commenced within three years after discovery of the pattern of criminal profiteering activity or after the pattern should reasonably have been discovered.

(8) The attorney general or county prosecuting attorney may, in a civil action brought pursuant to this section, file with the clerk of the superior court a certificate stating that the case is of special public importance. A copy of that certificate shall be furnished immediately by the clerk to the presiding chief judge of the superior court in which the action is pending and, upon receipt of the copy, the judge shall immediately designate a judge to hear and determine the action. The judge so designated shall promptly assign the action for hearing, participate in the hearings and determination, and cause the action to be expedited.

(9) The standard of proof in actions brought pursuant to this section is the preponderance of the evidence test.

(10) A person other than the attorney general or county prosecuting attorney who files an action under this section shall serve notice and one copy of the pleading on the attorney general within thirty days after the action is filed with the superior court. The notice shall identify the action, the person, and the person's attorney. Service of the notice does not limit or otherwise affect the right of the state to maintain an action under this section or intervene in a pending action nor does it authorize the person to name the state or the attorney general as a party to the action.

(11) Except in cases filed by a county prosecuting attorney, the attorney general may, upon timely application, intervene in any civil action or proceeding brought under this section if the attorney general certifies that in the attorney general's opinion the action is of special public importance. Upon intervention, the attorney general may assert any available claim and is entitled to the same relief as if the attorney general had instituted a separate action.

(12) In addition to the attorney general's right to intervene as a party in any action under this section, the attorney general may appear as amicus curiae in any proceeding in which a claim under this section has been asserted or in which a court is interpreting RCW 9A.82.010, 9A.82.080, 9A.82.090, 9A.82.110, or 9A.82.120, or this section.

(13) A private civil action under this section does not limit any other civil or criminal action under this chapter or any other provision. Private civil remedies provided under this section are supplemental and not mutually exclusive.

(14) Upon motion by the defendant, the court may authorize the sale or transfer of assets subject to an order or lien authorized by this chapter for the purpose of paying actual attorney's fees and costs of defense. The motion shall specify the assets for which sale or transfer is sought and shall be accompanied by the defendant's sworn statement that the defendant has no other assets available for such purposes. No order authorizing such sale or transfer may be entered unless the court finds that the assets involved are not subject to possible forfeiture under RCW 9A.82.100(4)(f). Prior to disposition of the motion, the court shall notify the state of the assets sought to be sold or transferred and shall hear argument on the issue of whether the assets are subject to forfeiture under RCW 9A.82.100(4)(f). Such a motion may be made from time to time and shall be heard by the court on an expedited basis.

(15) In an action brought under subsection (1) (a) and (b)(i) of this section, either party has the right to a jury trial.

Sec. 111, Section 2, chapter 138, Laws of 1981 and RCW 10.95.020 are each amended to read as follows:

A person is guilty of aggravated first degree murder if he or she commits first degree murder as defined by RCW 9A.32.030(1)(a), as now or hereafter amended, and one or more of the following aggravating circumstances exist:

(1) The victim was a law enforcement officer, corrections officer, or fire fighter who was performing his or her official duties at the time of the act resulting in death and the victim was known or reasonably should have been known by the person to be such at the time of the killing;

(2) At the time of the act resulting in the death, the person was serving a term of imprisonment, had escaped, or was on authorized or unauthorized leave in or from a state facility or program for the incarceration or treatment of persons adjudicated guilty of crimes;

(3) At the time of the act resulting in death, the person was in custody in a county or county-city jail as a consequence of having been adjudicated guilty of a felony;

(4) The person committed the murder pursuant to an agreement that he or she would receive money or any other thing of value for committing the murder;

(5) The person solicited another person to commit the murder and had paid or had agreed to pay money or any other thing of value for committing the murder;

(6) The victim was:

(a) A judge; juror or former juror; prospective, current, or former witness in an adjudicative proceeding; prosecuting attorney; deputy prosecuting attorney; defense attorney; a member of the indefinite sentence review board (~~(of prison terms and paroles)~~); or a probation or parole officer; and

(b) The murder was related to the exercise of official duties performed or to be performed by the victim;

(7) The person committed the murder to conceal the commission of a crime or to protect or conceal the identity of any person committing a crime;

(8) There was more than one victim and the murders were part of a common scheme or plan or the result of a single act of the person;

(9) The murder was committed in the course of, in furtherance of, or in immediate flight from one of the following crimes:

(a) Robbery in the first or second degree;

(b) Rape in the first or second degree;

(c) Burglary in the first or second degree;

(d) Kidnapping in the first degree; ~~((or))~~

(e) Arson in the first degree; or

(f) A violation of the uniform controlled substances act under RCW 69.50.401 (a)(1)(i) or (b)(1)(i).

(10) The victim was regularly employed or self-employed as a newsreporter and the murder was committed to obstruct or hinder the investigative, research, or reporting activities of the victim.

NEW SECTION. Sec. 112. A new section is added to chapter 69.50 RCW to read as follows:

(a) Any person who violates RCW 69.50.401(a) by manufacturing, selling, delivering, or possessing with the intent to manufacture, sell, or deliver a controlled substance listed under that subsection to a person in a school or on a school bus or within one thousand feet of a school bus route stop designated by the school district or within one thousand feet of the perimeter of the school grounds is punishable by a fine twice that authorized by RCW 69.50.401(a), a term of imprisonment twice that authorized by RCW 69.50.401(a), or both.

(b) It is not a defense to a prosecution for a violation of this section that the person was unaware that the prohibited conduct took place while in a school or school bus or within one thousand feet of the school or school bus route stop.

(c) It is not a defense to a prosecution for a violation of this section or any other prosecution under this chapter that persons under the age of eighteen were not present in the school, the school bus, or at the school bus route stop at the time of the offense or that school was not in session.

(d) It is an affirmative defense to a prosecution for a violation of this section that the prohibited conduct took place entirely within a private residence, that no person under eighteen years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct did not involve delivering, manufacturing, selling, or possessing with the intent to manufacture, sell, or deliver any controlled substance in RCW 69.50.401(a) for profit. The affirmative defense established in this section shall be proved by the defendant by a preponderance of the evidence. This section shall not be construed to establish an affirmative defense with respect to a prosecution for an offense defined in any other section of this chapter.

(e) In a prosecution under this section, a map produced or reproduced by any municipal, school district, or county engineer for the purpose of depicting the location and boundaries of the area on or within one thousand feet of any property used for a school or school bus route stop, or a true copy of such a map, shall under proper authentication, be admissible and shall constitute prima facie evidence of the location and boundaries of those areas if the governing body of the municipality, school district, or county has adopted a resolution or ordinance approving the map as the official location and record of the location and boundaries of the area on or within one thousand feet of the school or school bus route stop. Any map approved under this section or a true copy of the map shall be filed with the clerk of the municipality or county, and shall be maintained as an official record of the municipality or county. This section shall not be construed as precluding the prosecution from introducing or relying upon any other evidence or testimony to establish any element of the offense. This section shall not be construed as precluding the use or admissibility of any map or diagram other than the one which has been approved by the governing body of a municipality, school district, or county if the map or diagram is otherwise admissible under court rule.

(f) As used in this section the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) 'School' has the meaning under RCW 28A.01.055 or 28A.01.060. The term 'school' also includes a private school approved under RCW 28A.02.201;

(2) 'School bus' means a school bus as defined by the superintendent of public instruction by rule which is owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state

for the transportation of students. The term does not include buses operated by common carriers in the urban transportation of students such as transportation of students through a municipal transportation system; and

(3) 'School bus route stop' means a school bus stop as designated on maps submitted by school districts to the office of the superintendent of public instruction.

Sec. 113. Section 210, chapter 518, Laws of 1987 and RCW 28A.120.040 are each amended to read as follows:

The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about effective substance abuse programs and the penalties for manufacturing, selling, delivering, or possessing controlled substances on or within one thousand feet of a school or school bus route stop under section 112 of this 1989 act and distributing a controlled substance to a person under the age of eighteen under RCW 69.50.406.

NEW SECTION. Sec. 114. Sections 101 through 111 of this act apply to crimes committed on or after July 1, 1989.

SUBPART B

JUVENILE JUSTICE BOOT CAMP PILOT PROJECT

Sec. 115. Section 57, chapter 291, Laws of 1977 ex. sess. as last amended by section 1, chapter 73, Laws of 1985 and RCW 13.40.030 are each amended to read as follows:

(1) (a) The juvenile disposition standards commission shall propose to the legislature no later than November 1st of each even-numbered year disposition standards for all offenses. The standards shall establish, in accordance with the purposes of this chapter, ranges which may include terms of confinement, including the boot camp program established in section 116 of this 1989 act, and/or community supervision established on the basis of a youth's age, the instant offense, and the history and seriousness of previous offenses, but in no case may the period of confinement and supervision exceed that to which an adult may be subjected for the same offense(s). Standards proposed for offenders listed in RCW 13.40.020(1) shall include a range of confinement which may not be less than thirty days. No standard range may include a period of confinement which includes both more than thirty, and thirty or less, days. Disposition standards proposed by the commission shall provide that in all cases where a youth is sentenced to a term of confinement in excess of thirty days the department may impose an additional period of parole not to exceed eighteen months. Standards of confinement which may be proposed may relate only to the length of the proposed terms and not to the nature of the security to be imposed. In developing proposed disposition standards, the commission shall consider the capacity of the state juvenile facilities and the projected impact of the proposed standards on that capacity.

(b) The secretary shall submit guidelines pertaining to the nature of the security to be imposed on youth placed in his or her custody based on the age, offense(s), and criminal history of the juvenile offender. Such guidelines shall be submitted to the legislature for its review no later than November 1st of each even-numbered year. At the same time the secretary shall submit a report on security at juvenile facilities during the preceding two-year period. The report shall include the number of escapes from each juvenile facility, the most serious offense for which each escapee had been confined, the number and nature of offenses found to have been committed by juveniles while on escape status, the number of authorized leaves granted, the number of failures to comply with leave requirements, the number and nature of offenses committed while on leave, and the number and nature of offenses committed by juveniles while in the community on minimum security status; to the extent this information is available to the secretary. The department shall include security status definitions in the security guidelines it submits to the legislature pursuant to this section.

(2) If the commission fails to propose disposition standards as provided in this section, the existing standards shall remain in effect and may be adopted by the legislature or referred to the commission for modification as provided in subsection (3) of this section. If the standards are referred for modification, the provisions of subsection (4) shall be applicable.

(3) The legislature may adopt the proposed standards or refer the proposed standards to the commission for modification. If the legislature fails to adopt or refer the proposed standards to the commission by February 15th of the following year, the proposed standards shall take effect without legislative approval on July 1st of that year.

(4) If the legislature refers the proposed standards to the commission for modification on or before February 15th, the commission shall resubmit the proposed modifications to the legislature no later than March 1st. The legislature may adopt or modify the resubmitted proposed standards. If the legislature fails to adopt or modify the resubmitted proposed standards by April 1st, the resubmitted proposed standards shall take effect without legislative approval on July 1st of that year.

(5) In developing and promulgating the permissible ranges of confinement under this section the commission shall be subject to the following limitations:

(a) Where the maximum term in the range is ninety days or less, the minimum term in the range may be no less than fifty percent of the maximum term in the range;

(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range may be no less than seventy-five percent of the maximum term in the range; and

(c) Where the maximum term in the range is more than one year, the minimum term in the range may be no less than eighty percent of the maximum term in the range.

NEW SECTION. Sec. 116. A new section is added to chapter 13.40 RCW to read as follows:

(1) It is the intent of the legislature that the program established pursuant to this section shall benefit the state and counties by reducing the crowding in juvenile detention facilities and shall benefit both the community and the offenders by promoting the offenders' personal development and self-discipline, thereby making them more effective participants in society.

(2) The department of social and health services shall develop a juvenile boot camp program. At a minimum, such program shall include training in military discipline, physical training, counseling, community service, vocational training, and education classes that emphasize self-discipline, respect toward society, and obedience to the law. The program shall provide an intensive basic training and rehabilitative program for juveniles. The department shall adopt rules for the operation and successful completion of such program.

(3) The boot camp program shall last ninety days for any juvenile, except that the secretary may extend the time limit to one hundred twenty days if the juvenile has not adequately completed the program within ninety days as determined by the secretary according to rules adopted by the secretary.

(4)(a) A juvenile may be placed in the boot camp program if he or she is between fifteen and eighteen years of age at the time of adjudication and has been committed to the department for a term of confinement for which the maximum term is at least twelve weeks.

(b) The judge may order that a juvenile be placed in the boot camp program even when the sentencing standards do not provide for a term of which the maximum is at least twelve weeks if the judge makes a finding that ordering a lesser term would create a manifest injustice.

(c) Eligibility shall be denied if the respondent suffers from any mental or physical problem which could endanger his or her health or drastically affect his or her performance in the program.

(d) If the court has recommended a respondent for the boot camp program, the secretary shall assign that juvenile to the program if the secretary determines that he or she is eligible for and that there is room for the juvenile in the program.

(5)(a) The department shall provide an aftercare component for monitoring and assisting the release of boot camp participants into the community.

(b) The department shall keep records and monitor criminal activity and employment placement of the program participants after their release from the program. An outcome evaluation study shall be published no later than December 31, 1992, which shall include a comparison of criminal activity and employment placement records of juveniles completing the boot camp program with the criminal activity and employment records of youths completing other programs or commitment time.

(6) The department shall either establish criteria for training contract staff or provide a special training program for department staff selected for the boot camp program and shall include appropriate methods of dealing with minors.

(7) If a juvenile in the boot camp program becomes unmanageable or medically ineligible, the department shall remove the juvenile from the program and place the juvenile in secure detention until he or she is transferred to an equally restrictive commitment program.

(8) The department may contract with private companies for the operation of the boot camp program.

NEW SECTION. Sec. 117. Section 116 of this act shall expire on July 1, 1993.

SUBPART C

JUVENILE DRIVER'S LICENSE REVOCATION

Sec. 118. Section 2, chapter 148, Laws of 1988 and RCW 13.40.265 are each amended to read as follows:

(1) (a) If a juvenile (~~under eighteen years of age, but~~) thirteen years of age or (~~over~~;) older is found by juvenile court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(b) Except as otherwise provided in (c) of this subsection, (~~a court~~;) upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

(c) (~~The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first order issued with respect to the juvenile under RCW 46.20.265, or for a period of one year after the issuance of the order if it is the second or subsequent such order issued with respect to the juvenile~~) If the offense is the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive

revoked pursuant to RCW 46.20.265 until ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered, whichever is later. If the offense is the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.

(2) (a) If a juvenile enters into a diversion agreement with a diversion unit pursuant to RCW 13.40.080 concerning an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion unit shall notify the department of licensing within twenty-four hours after the diversion agreement is signed.

(b) If a diversion unit has notified the department pursuant to (a) of this subsection, the diversion unit shall notify the department of licensing when the juvenile has completed the agreement.

Sec. 119. Section 7, chapter 148, Laws of 1988 and RCW 46.20.265 are each amended to read as follows:

(1) In addition to any other authority to revoke driving privileges under this chapter, the department shall revoke all driving privileges of a juvenile when the department receives notice from a court pursuant to RCW 13.40.265, 66.44.365, 69.41.065, 69.50.420, or 69.52.070 or from a diversion unit pursuant to RCW 13.40.265. The revocation shall be imposed without hearing.

(2) The driving privileges of the juvenile revoked under subsection (1) of this section shall be revoked in the following manner:

(a) Upon receipt of the first notice, the department shall impose a revocation for one year, or until the juvenile reaches seventeen years of age, whichever is longer.

(b) Upon receipt of a second or subsequent notice, the department shall impose a revocation for ~~(one)~~ two years or until the juvenile reaches eighteen years of age, whichever is longer.

(3) If the department receives notice from a court that the juvenile's privilege to drive should be reinstated, the department shall immediately reinstate any driving privileges that have been revoked under this section.

(4)(a) If the department receives notice pursuant to RCW 13.40.265(2)(b) from a diversion unit that a juvenile has completed a diversion agreement for which the juvenile's driving privileges were revoked, the department shall reinstate any driving privileges revoked under this section as provided in (b) of this subsection. ~~((The department shall not reinstate driving privileges earlier than ninety days after the date the juvenile entered into a diversion agreement for the first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW and not earlier than one year after the date the juvenile entered into a diversion agreement for a second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.))~~

(b) If the diversion agreement was for the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of ninety days after the date the juvenile turns sixteen or ninety days after the juvenile entered into a diversion agreement for the offense. If the diversion agreement was for the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of the date the juvenile turns seventeen or one year after the juvenile entered into the second or subsequent diversion agreement.

Sec. 120. Section 3, chapter 148, Laws of 1988 and RCW 66.44.365 are each amended to read as follows:

(1) If a juvenile ~~((under eighteen years of age, but thirteen or over;))~~ thirteen years of age or older and under the age of eighteen is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, ~~((the court;))~~ upon petition of a juvenile ~~((who has been found by the court to have committed an offense that is a violation of this chapter;))~~ whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) ~~((The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the issuance of the order if it is the second or subsequent such revocation issued with respect to the juvenile))~~ If the conviction is for the juvenile's first violation of this chapter or chapter 69.41, 69.50, or 69.52 RCW, a juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the

juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 121. Section 4, chapter 148, Laws of 1988 and RCW 69.41.065 are each amended to read as follows:

(1) If a juvenile (~~(under eighteen years of age, but thirteen or over;)~~ thirteen years of age or older and under the age of twenty-one) is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, (~~(the court;)~~) upon petition of a juvenile (~~(who has been found by the court to have committed an offense that is a violation of this chapter;)~~) whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) (~~(The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the issuance of the order if it is the second or subsequent such revocation issued with respect to the juvenile))~~ If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 122. Section 5, chapter 148, Laws of 1988 and RCW 69.50.420 are each amended to read as follows:

(1) If a juvenile (~~(under eighteen years of age, but thirteen or over;)~~ thirteen years of age or older and under the age of twenty-one) is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, (~~(the court;)~~) upon petition of a juvenile (~~(who has been found by the court to have committed an offense that is a violation of this chapter;)~~) whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) (~~(The court shall not notify the department that the juvenile's privilege to drive should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation issued with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the entry of the judgment if it is the second or subsequent such revocation issued with respect to the juvenile))~~ If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 123. Section 6, chapter 148, Laws of 1988 and RCW 69.52.070 are each amended to read as follows:

(1) If a juvenile (~~(under eighteen years of age, but thirteen or over;)~~ thirteen years of age or older and under the age of twenty-one) is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, (~~(the court;)~~) upon petition of a juvenile (~~(who has been found by the court to have committed an offense that is a violation of this chapter;)~~) whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) (~~(The court shall not notify the department that the juvenile's privilege to drive should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation issued with respect to the juvenile under this section or RCW 46.20.265, or for a period of one year after the entry of the judgment if it is the second or subsequent such revocation issued with respect to the juvenile))~~ If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter

66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

PART II
PREVENTION, INVESTIGATION, AND PROCEDURE
SUBPART A
ONE-PARTY CONSENT

Sec. 201. Section 1, chapter 93, Laws of 1967 ex. sess. as last amended by section 2, chapter 260, Laws of 1985 and by section 1, chapter 38, Laws of 1986 and RCW 9.73.030 are each repealed and amended to read as follows:

(1) Except as otherwise provided in this chapter, it shall be unlawful for any individual, partnership, corporation, association, or the state of Washington, its agencies, and political subdivisions to intercept, or record any:

(a) Private communication transmitted by telephone, telegraph, radio, or other device between two or more individuals between points within or without the state by any device electronic or otherwise designed to record and/or transmit said communication regardless how such device is powered or actuated, without first obtaining the consent of all the participants in the communication;

(b) Private conversation, by any device electronic or otherwise designed to record or transmit such conversation regardless how the device is powered or actuated without first obtaining the consent of all the persons engaged in the conversation.

(2) Notwithstanding subsection (1) of this section, ~~((wire))~~ communications or conversations (a) of an emergency nature, such as the reporting of a fire, medical emergency, crime, or disaster, ~~((or))~~ (b) which convey threats of extortion, blackmail, bodily harm, or other unlawful requests or demands, ~~((or))~~ (c) which occur anonymously or repeatedly or at an extremely inconvenient hour, ~~((or))~~ (d) which relate to communications by a hostage holder or barricaded person as defined in RCW 70.85.100, whether or not conversation ensues, or (e) concerning the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, may be recorded with the consent of one party to the conversation.

(3) Where consent by all parties is needed pursuant to this chapter, consent shall be considered obtained whenever one party has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such communication or conversation is about to be recorded or transmitted: PROVIDED, That if the conversation is to be recorded that said announcement shall also be recorded.

(4) An employee of any regularly published newspaper, magazine, wire service, radio station, or television station acting in the course of bona fide news gathering duties on a full time or contractual or part time basis, shall be deemed to have consent to record and divulge communications or conversations otherwise prohibited by this chapter if the consent is expressly given or if the recording or transmitting device is readily apparent or obvious to the speakers. Withdrawal of the consent after the communication has been made shall not prohibit any such employee of a newspaper, magazine, wire service, or radio or television station from divulging the communication or conversation.

NEW SECTION. Sec. 202. A new section is added to chapter 9.73 RCW to read as follows:

(1) Any information obtained in violation of RCW 9.73.030 or pursuant to an order issued under the provisions of RCW 9.73.040 shall be inadmissible in any civil or criminal case in all courts of general or limited jurisdiction in this state, except:

(a) For the limited purpose of allowing any person who did not consent to the recording to impeach a witness in any criminal case involving the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW;

(b) With the permission of the person whose communication or conversation was recorded without his or her knowledge; or

(c) In a criminal action in which the defendant is charged with a crime, the commission of which would jeopardize national security.

(2) Nothing in this section, however, bars the admission of testimony of a participant in the communication or conversation unaided by information obtained in violation of RCW 9.73.030.

NEW SECTION. Sec. 203. A new section is added to chapter 9.73 RCW to read as follows:

The exception provided for in RCW 9.73.030(2)(e) is subject to the following restrictions:

(1) Before a conversation or communication is recorded, the police commander or an officer above the rank of first line supervisor shall complete a written authorization showing: (a) The date and time the authorization is given; (b) the persons, including the consenting party, expected to participate in the conversation or communication, if known; (c) the expected date, location, and approximate time of the conversation or communication; and (d) the reasons for believing the recording will be of value;

(2) Within ten judicial days of an authorized recording obtained under subsection (1) of this section, the written authorization and recording shall be reviewed ex parte by a district court judge or magistrate for compliance with subsection (1) of this section. If the court determines that the recording has not been obtained in compliance with subsection (1) of this section, the court shall (a) order the recording and any copies or transcriptions thereof to be sealed and not to be unsealed or disclosed except upon court order; and (b) shall notify the prosecutor or attorney general to determine if a violation of RCW 9.73.030 has occurred; and

(3) If the court determines that the recording has been obtained in compliance with subsection (1) of this section, the recording shall be delivered to the prosecutor or attorney general. If the recording is deemed to be without value by the prosecutor or attorney general in a prosecution for the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, the recording and any copies or transcriptions thereof shall be sealed and may not be unsealed or disclosed except upon court order. If the recording has not been ordered by a court to be unsealed, it and any copies or transcriptions thereof shall, three years after its making, be erased or destroyed without being transcribed.

(4) Information regarding any conversation or communication that is recorded under RCW 9.73.030(2)(e) shall be forwarded to the chief of the state patrol on forms developed and supplied by the state patrol. The transmittal of information and the report shall protect the privacy of any person whose conversation or communication has been recorded under RCW 9.73.030(2)(e).

Sec. 204. Section 6, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.080 are each amended to read as follows:

Any person who shall violate RCW 9.73.030 or section 203 of this 1989 act shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 205. Section 3, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.050 are each repealed.

NEW SECTION. Sec. 206. The chief of the Washington state patrol shall submit a report on January 1, 1990, and on January 1, 1991, to the senate committee on law and justice and the judiciary committee of the house of representatives on conversations and communications recorded under RCW 9.73.030(2)(e). The report shall include, but not be limited to:

- (1) The number of recordings made;
- (2) The circumstances justifying the recording;
- (3) The types and categories of alleged criminal activity;
- (4) The number of recordings used in criminal prosecutions;
- (5) The number of recordings not used in criminal prosecutions and the reasons for the nonuse;
- (6) The number of persons subjected to multiple recordings; and
- (7) the number of recordings determined by a magistrate or judge not to be in compliance with section 203(1) of this act.

SUBPART B

MONITORING OF INMATE TELEPHONE CALLS

NEW SECTION. Sec. 207. A new section is added to chapter 9.73 RCW to read as follows:

(1) RCW 9.73.030 through 9.73.080 shall not apply to employees of the department of corrections in the following instances: Intercepting, recording, or divulging any telephone calls from an inmate or resident of a state correctional facility. For the purposes of this section, 'state correctional facility' means a facility that is under the control and authority of the department of corrections, and used for the incarceration, treatment, or rehabilitation of convicted felons.

(2) All personal calls made by inmates shall be collect calls only. The calls will be 'operator announcement' type calls. The operator shall notify the receiver of the call that the call is coming from a prison inmate, and that it will be recorded and may be monitored.

(3) The department of corrections shall adhere to the following procedures and restrictions when intercepting, recording, or divulging any telephone calls from an inmate or resident of a state correctional facility as provided for by this section:

(a) Before the implementation of this section, all inmates or residents of a state correctional facility shall be notified in writing that, as of the effective date of this section, their telephone conversations may be intercepted, recorded, and/or divulged.

(b) Unless otherwise provided for in this section, after intercepting or recording a telephone conversation, only the superintendent and his or her designee shall have access to that recording.

(c) The contents of an intercepted and recorded telephone conversation shall be divulged only as is necessary to safeguard the orderly operation of the correctional facility, in response to a court order, or in the prosecution or investigation of any crime.

(d) All telephone conversations that are recorded under this section, unless being used in the ongoing investigation or prosecution of a crime, or as is necessary to assure the orderly operation of the correctional facility, shall be destroyed one year after the intercepting and recording.

(4) So as to safeguard the sanctity of the attorney-client privilege, the department of corrections shall not intercept, record, or divulge any conversation between an inmate or resident and an attorney. The department shall develop policies and procedures to implement this section.

SUBPART C
PROPERTY FORFEITURE

NEW SECTION. Sec. 208. The legislature finds that: Drug offenses and crimes resulting from illegal drug use are destructive to society; the nature of drug trafficking results in many property crimes and crimes of violence; state and local governmental agencies incur immense expenses in the investigation, prosecution, adjudication, incarceration, and treatment of drug-related offenders and the compensation of their victims; drug-related offenses are difficult to eradicate because of the profits derived from the criminal activities, which can be invested in legitimate assets and later used for further criminal activities; and the forfeiture of real assets where a substantial nexus exists between the commercial production or sale of the substances and the real property will provide a significant deterrent to crime by removing the profit incentive of drug trafficking, and will provide a revenue source that will partially defray the large costs incurred by government as a result of these crimes. The legislature recognizes that seizure of real property is a very powerful tool and should not be applied in cases in which a manifest injustice would occur as a result of forfeiture of an innocent spouse's community property interest.

Sec. 209. Section 15, chapter 2, Laws of 1983 as last amended by section 2, chapter 282, Laws of 1988 and RCW 69.50.505 are each amended to read as follows:

- (a) The following are subject to seizure and forfeiture and no property right exists in them:
- (1) All controlled substances which have been manufactured, distributed, dispensed, ~~((or))~~ acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW;
 - (2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;
 - (3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);
 - (4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale of property described in paragraphs (1) or (2), ~~((but))~~ except that:
 - (i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW;
 - (ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without ~~((his))~~ the owner's knowledge or consent;
 - (iii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and
 - (iv) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;
 - (5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW;
 - (6) All drug paraphernalia; ~~((and))~~
 - (7) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to ~~((such))~~ an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW: PROVIDED, That a forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission: PROVIDED FURTHER, That no personal property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent; and
 - (8) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for the manufacturing, compounding, processing, delivery, importing, or exporting of any controlled substance, or which have been acquired in whole or in part with proceeds

traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property; PROVIDED, That:

(i) No property may be forfeited pursuant to this subsection, to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) The bona fide gift of a controlled substance, legend drug, or imitation controlled substance shall not result in the forfeiture of real property;

(iii) The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, and other evidence which demonstrates the offender's intent to engage in commercial activity;

(iv) The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(b) Real or personal property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) ((or)), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. No real property interest may be forfeited from a person who did not participate in the violation committed by a person who was a spouse at the time of the violation, that gave rise to the seizure to the extent of that person's homestead interest in the real property.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(2), (a)(3), (a)(4) ((or)), (a)(5), (a)(6), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement

officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. The court to which the matter is to be removed shall be the district court when such aggregate value is ten thousand dollars or less of personal property. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. In cases involving personal property, the burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of ((Items specified in subsection (a)(4) or (a)(7) of this section)) the property. In cases involving real property, the burden of producing evidence shall be upon the law enforcement agency. The burden of proof that the seized property is subject to forfeiture shall be upon the law enforcement agency. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(2), (a)(3), (a)(4) ((or)), (a)(5), (a)(6), (a)(7), or (a)(8) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) (i) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds and all moneys forfeited under this title shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after the payment of all expenses shall be distributed as follows:

(A) ~~((Seventy-five))~~ Twenty-five percent of the money derived from the forfeiture of real property and seventy-five percent of the money derived from the forfeiture of personal property shall be deposited in the general fund of the state, county, and/or city of the seizing law enforcement agency and shall be used exclusively for the expansion or improvement of law enforcement services. These services may include the creation of reward funds for the purpose of rewarding informants who supply information leading to the arrest, prosecution and conviction of persons who violate laws relating to controlled substances. Such moneys shall not supplant preexisting funding sources; ((and))

(B) Twenty-five percent of money derived from the forfeiture of real property and twenty-five percent of money derived from the forfeiture of personal property shall be remitted to the state treasurer for deposit in the public safety and education account established in RCW 43.08.250;

(C) Fifty percent of money derived from the forfeiture of real property shall be remitted to the state treasurer for deposit in the drug enforcement and education account created pursuant to section 401 of this 1989 act; and

(D) If an investigation involves a seizure of moneys and proceeds having an aggregate value of less than five thousand dollars, the moneys and proceeds may be deposited in total in the general fund of the governmental unit of the seizing law enforcement agency and shall be appropriated exclusively for the expansion of narcotics enforcement services. Such moneys shall not supplant preexisting funding sources.

(i) Money deposited according to this section must be deposited within ninety days of the date of final disposition of either the administrative seizure or the judicial seizure;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the drug enforcement administration for disposition.

(g) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

(j) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

SUBPART D
OFF-LIMITS ORDERS

NEW SECTION. Sec. 210. The legislature finds that drug abuse is escalating at an alarming rate. New protections need to be established to address this drug crisis which is threatening every stratum of our society. Prohibiting known drug traffickers from frequenting areas for continuous drug activity is one means of addressing this pervasive problem.

NEW SECTION. Sec. 211. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) 'Applicant' means any person who owns, occupies, or has a substantial interest in property, or who is a neighbor to property which is adversely affected by drug trafficking, including:

(a) A 'family or household member' as defined by RCW 10.99.020(1), who has a possessory interest in a residence as an owner or tenant, at least as great as a known drug trafficker's interest;

(b) An owner or lessor;

(c) An owner, tenant, or resident who lives or works in a designated PADT area; or

(d) A city or prosecuting attorney for any jurisdiction in this state where drug trafficking is occurring.

(2) 'Drug' or 'drugs' means a controlled substance as defined in chapter 69.50 RCW or an 'imitation controlled substance' as defined in RCW 69.52.020.

(3) 'Known drug trafficker' means any person who has been convicted of a felony adult or juvenile drug offense in this state or an adult felony drug offense in another state or federal court who subsequently has been arrested for an adult felony drug offense in this state.

(4) 'Off-limits orders' means an order issued by a superior or district court in the state of Washington that enjoins known drug traffickers from entering or remaining in a designated PADT area.

(5) 'Protected against drug trafficking area' or 'PADT area' means any specifically described area, public or private, contained in an off-limits order. The perimeters of a PADT area shall be defined using street names and numbers and shall include all real property contained therein, where drug sales, possession of drugs, pedestrian or vehicular traffic attendant to drug activity, or other activity associated with drug offenses confirms a pattern associated with drug trafficking. The area may include the full width of streets, alleys and sidewalks on the perimeter, common areas, planting strips, parks and parking areas within the area described using the streets as boundaries.

NEW SECTION. Sec. 212. A court may enter an off-limits order enjoining a known drug trafficker who has been associated with drug trafficking in an area that the court finds to be a PADT area, from entering or remaining in a designated PADT area for up to one year. This relief may be ordered pursuant to applications for injunctive relief or as part of a criminal proceeding as follows:

(1) In a civil action, including an action brought under this chapter;

(2) In a nuisance abatement action pursuant to chapter 7.43 RCW;

(3) In an eviction action to exclude known drug traffickers or tenants who were evicted for allowing drug trafficking to occur on the premises which were the subject of the eviction action;

(4) As a condition of pretrial release of a known drug trafficker awaiting trial on drug charges. The order shall be in effect until the time of sentencing or dismissal of the criminal charges; or

(5) As a condition of sentencing of any known drug trafficker convicted of a drug offense. The order may include all periods of community placement or community supervision.

NEW SECTION. Sec. 213. Upon the filing of an application for an off-limits order under section 212 (1), (2), or (3) of this act, the court shall set a hearing fourteen days from the filing of the application, or as soon thereafter as the hearing can be scheduled. If the respondent has not already been served with a summons, the application shall be served on the respondent not less than five court days before the hearing. If timely service cannot be made, the court may set a new hearing date.

NEW SECTION. Sec. 214. Upon filing an application for an off-limits order under this chapter, an applicant may obtain an ex parte temporary off-limits order, with or without notice, only upon a showing that serious or irreparable harm will result to the applicant if the temporary off-limits order is not granted. An ex parte temporary off-limits order shall be effective for

a fixed period not to exceed fourteen days, but the court may reissue the order upon a showing of good cause. A hearing on a one-year off-limits order, as provided in this chapter, shall be set for fourteen days from the issuance of the temporary order. The respondent shall be personally served with a copy of the temporary off-limits order along with a copy of the application and notice of the date set for the full hearing. At the hearing, if the court finds that respondent is a known drug trafficker who has engaged in drug trafficking in a particular area, and that the area is associated with a pattern of drug activities, the court shall issue a one-year off-limits order prohibiting the respondent from having any contact with the PADT area. At any time within three months before the expiration of the order, the applicant may apply for a renewal of the order by filing a new petition under this chapter.

NEW SECTION. Sec. 215. In granting a temporary off-limits order or a one-year off-limits order, the court shall have discretion to grant additional relief as the court considers proper to achieve the purposes of this chapter. The PADT area defined in any off-limits order must be reasonably related to the area or areas impacted by the unlawful drug activity as described by the applicant in any civil action under section 212(1), (2), or (3) of this act. The court in its discretion may allow a respondent, who is the subject of any order issued under section 211 of this act as part of a civil or criminal proceeding, to enter an off-limits area or areas for health or employment reasons, subject to conditions prescribed by the court. Upon request, a certified copy of the order shall be provided to the applicant by the clerk of the court.

NEW SECTION. Sec. 216. A temporary off-limits order or a one-year off-limits order may not issue under this chapter except upon the giving of a bond or security by the applicant. The court shall set the bond or security in the amount the court deems proper, but not less than one thousand dollars, for the payment of costs and damages that may be incurred by any party who is found to have been wrongfully restrained or enjoined. A bond or security shall not be required of the state of Washington, municipal corporations, or political subdivisions of the state of Washington.

NEW SECTION. Sec. 217. Nothing in this chapter shall preclude a party from appearing in person or by counsel.

NEW SECTION. Sec. 218. A copy of an off-limits order granted under this chapter shall be forwarded by the court to the local law enforcement agency with jurisdiction over the PADT area specified in the order on or before the next judicial day following issuance of the order. Upon receipt of the order, the law enforcement agency shall promptly enter it into an appropriate law enforcement information system.

NEW SECTION. Sec. 219. Any person who willfully disobeys an off-limits order issued under this chapter shall be subject to criminal penalties as provided in this chapter and may also be found in contempt of court and subject to penalties under chapter 7.20 RCW.

NEW SECTION. Sec. 220. (1) Any person who willfully disobeys an off-limits order issued under this chapter shall be guilty of a gross misdemeanor.

(2) Any person who willfully disobeys an off-limits order in violation of the terms of the order and who also either:

(a) Enters or remains in a PADT area that is within one thousand feet of any school; or

(b) Is convicted of a second or subsequent violation of this chapter, is guilty of a class C felony.

NEW SECTION. Sec. 221. The superior courts shall have jurisdiction of all civil actions and all felony criminal proceedings brought under this chapter. Courts of limited jurisdiction shall have jurisdiction of all misdemeanor and gross misdemeanor criminal actions brought under this chapter.

NEW SECTION. Sec. 222. For the purposes of this chapter, an action may be brought in any county in which any element of the alleged drug trafficking activities occurred.

NEW SECTION. Sec. 223. Upon application, notice to all parties, and a hearing, the court may modify the terms of an off-limits order. When an order is terminated, modified, or amended before its expiration date, the clerk of the court shall forward, on or before the next judicial day, a true copy of the amended order to the law enforcement agency specified in the order. Upon receipt of an order, the law enforcement agency shall promptly enter it into an appropriate law enforcement information system.

NEW SECTION. Sec. 224. Sections 210 through 223 of this act shall constitute a new chapter in Title 10 RCW.

SUBPART E DRUG SITE CLEANUP

NEW SECTION. Sec. 225. A new section is added to chapter 69.50 RCW to read as follows:

Law enforcement agencies who during the official investigation or enforcement of any illegal drug manufacturing facility come in contact with or are aware of any substances suspected of being hazardous as defined in section 2(5), chapter 2, Laws of 1989 (Initiative Measure No. 97), shall notify the department of ecology for the purpose of securing a contractor to identify, clean-up, store, and dispose of suspected hazardous substances, except for those random and representative samples obtained for evidentiary purposes. The department of ecology shall make every effort to recover costs from the parties responsible for the suspected

hazardous substance. All recoveries shall be deposited in the account or fund from which contractor payments are made.

The department of ecology may adopt rules to carry out its responsibilities under this section. The department of ecology shall consult with law enforcement agencies prior to adopting any rule or policy relating to this section.

SUBPART F
KEG REGISTRATION

NEW SECTION. Sec. 226. Only licensees holding a class A or B license in combination with a class E license may sell malt liquor in kegs or other containers capable of holding four gallons or more of liquid. Any person who sells or offers for sale the contents of kegs or other containers containing four gallons or more of malt liquor, or leases kegs or other containers that will hold four gallons of malt liquor, to consumers who are not licensed under chapter 66.24 RCW shall do the following for any transaction involving the container:

- (1) Require the purchaser of the malt liquor to sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in section 228 of this act;
- (2) Require the purchaser to provide one piece of identification pursuant to RCW 66.16.040;
- (3) Require the purchaser to sign a sworn statement, under penalty of perjury, that:
 - (a) The purchaser is of legal age to purchase, possess, or use malt liquor;
 - (b) The purchaser will not allow any person under the age of twenty-one years to consume the beverage except as provided by RCW 66.44.270;
 - (c) The purchaser will not remove, obliterate, or allow to be removed or obliterated, the identification required under section 228 of this act to be affixed to the container;
- (4) Require the purchaser to state the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located; and
- (5) Require the purchaser to maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

NEW SECTION. Sec. 227. Any person who purchases the contents of kegs or other containers containing four gallons or more of malt liquor, or purchases or leases the container shall:

- (1) Sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in section 228 of this act;
- (2) Provide one piece of identification pursuant to RCW 66.16.040;
- (3) Be of legal age to purchase, possess, or use malt liquor;
- (4) Not allow any person under the age of twenty-one to consume the beverage except as provided by RCW 66.44.270;
- (5) Not remove, obliterate, or allow to be removed or obliterated, the identification required under rules adopted by the board;
- (6) Not move, keep, or store the keg or its contents, except for transporting to and from the distributor, at any place other than that particular address declared on the receipt and declaration; and
- (7) Maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

NEW SECTION. Sec. 228. The board shall adopt rules requiring retail licensees to affix appropriate identification on all containers of four gallons or more of malt liquor for the purpose of tracing the purchasers of such containers. The rules may provide for identification to be done on a state-wide basis or on the basis of smaller geographical areas.

The board shall develop and make available forms for the declaration and receipt required by section 226 of this act.

It is unlawful for any person to sell or offer for sale kegs or other containers containing four gallons or more of malt liquor to consumers who are not licensed under chapter 66.24 RCW if the kegs or containers are not identified in compliance with rules adopted by the board.

NEW SECTION. Sec. 229. (1) Except as provided in subsection (2) of this section, the violation of any provisions of sections 226 through 228 of this act is punishable by a fine of not more than five hundred dollars.

(2) Except as provided in RCW 66.44.270, a person who intentionally furnishes a keg or other container containing four or more gallons of malt liquor to a minor is liable, on conviction, for a first offense for a penalty of not more than five hundred dollars, or for imprisonment for not more than two months, or both; for a second offense for a penalty of not more than five hundred dollars or imprisonment for not more than six months, or both; and for a third or subsequent offense for a penalty of not more than five hundred dollars or imprisonment for more than one year, or both.

NEW SECTION. Sec. 230. The state of Washington fully occupies and preempts the entire field of keg registration. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to keg registration that are consistent with this chapter.

Such local ordinances shall have the same or lesser penalties as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of the city, town, county, or municipality.

NEW SECTION. Sec. 231. Sections 226 through 230 of this act are each added to chapter 66.28 RCW.

SUBPART G

SPECIAL NARCOTICS ENFORCEMENT UNIT

NEW SECTION. Sec. 232. A new section is added to chapter 9A.82 RCW to read as follows:

A special narcotics enforcement unit is established within the Washington state patrol drug control assistance unit. The unit shall be coordinated between the Washington state patrol, the attorney general, and the Washington association of sheriffs and police chiefs. The initial unit shall consist of three attorneys, two investigators, and the necessary accountants and support staff. It is the responsibility of the unit to: (1) Conduct criminal narcotic profiteering investigations and prosecutions, (2) train local undercover narcotic agents, and (3) coordinate federal, state, and local interjurisdictional narcotic investigations.

SUBPART H

STATE-WIDE DRUG PROSECUTION ASSISTANCE PROGRAM

NEW SECTION. Sec. 233. A new section is added to chapter 36.27 RCW to read as follows:

The legislature recognizes that, due to the magnitude or volume of offenses in a given area of the state, there is a recurring need for supplemental assistance in the prosecuting of drug and drug-related offenses that can be directed to the area of the state with the greatest need for short-term assistance. A state-wide drug prosecution assistance program is created within the department of community development to assist county prosecuting attorneys in the prosecution of drug and drug-related offenses.

NEW SECTION. Sec. 234. A new section is added to chapter 36.27 RCW to read as follows:

There is established a state-wide advisory committee comprised of the attorney general, the chief of the Washington state patrol, both United States attorneys whose offices are located in Washington state, and three county prosecuting attorneys appointed by the Washington association of prosecuting attorneys, who will also act as supervising attorneys. The state-wide advisory committee shall select one of the supervising attorneys to act as project director of the drug prosecution assistance program.

NEW SECTION. Sec. 235. A new section is added to chapter 36.27 RCW to read as follows:

The project director of the drug prosecution assistance program shall employ up to five attorneys to act as special deputy prosecuting attorneys. A county or counties may request the assistance of one or more of the special deputy prosecuting attorneys. The project director after consultation with the advisory committee shall determine the assignment of the special deputy prosecutors. Within funds appropriated for this purpose, the project director may also employ necessary support staff and purchase necessary supplies and equipment.

The advisory committee shall regularly review the assignment of the special deputy prosecuting attorneys to ensure that the program's impact on the drug abuse problem is maximized.

During the time a special deputy prosecuting attorney is assigned to a county, the special deputy is under the direct supervision of the county prosecuting attorney for that county. The advisory committee may reassign a special deputy at any time: PROVIDED, That adequate notice must be given to the county prosecuting attorney if the special deputy is involved in a case scheduled for trial.

PART III

SOCIAL PROGRAMS AND EDUCATION

SUBPART A

INVOLUNTARY TREATMENT

Sec. 301. Section 294, page 187, Laws of 1854 as last amended by section 1501, chapter 212, Laws of 1987 and by section 11, chapter 439, Laws of 1987 and RCW 5.60.060 are each reenacted and amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 70.96A or 71.05 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 70.96A or 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(3) A member of the clergy or a priest shall not, without the consent of a person making the confession, be examined as to any confession made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW 70.96A.140 or 71.05.250, a physician or surgeon or osteopathic physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

Sec. 302. Section 2, chapter 447, Laws of 1985 as amended by section 1, chapter 212, Laws of 1986 and RCW 5.62.020 are each amended to read as follows:

No registered nurse providing primary care or practicing under protocols, whether or not the physical presence or direct supervision of a physician is required, may be examined in a civil or criminal action as to any information acquired in attending a patient in the registered nurse's professional capacity, if the information was necessary to enable the registered nurse to act in that capacity for the patient, unless:

(1) The patient consents to disclosure or, in the event of death or disability of the patient, his or her personal representative, heir, beneficiary, or devisee consents to disclosure; or

(2) The information relates to the contemplation or execution of a crime in the future, or relates to the neglect or the sexual or physical abuse of a child, or of a vulnerable adult as defined in RCW 74.34.020, or to a person subject to proceedings under chapter 70.96A, 71.05, or 71.34 RCW.

Sec. 303. Section 11, chapter 305, Laws of 1955 as last amended by section 12, chapter 439, Laws of 1987 and RCW 18.83.110 are each amended to read as follows:

Confidential communications between a client and a psychologist shall be privileged against compulsory disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client, but this exception is subject to the limitations under RCW 70.96A.140 and 71.05.250.

Sec. 304. Section 2, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.020 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) 'Alcoholic' means a person who ((habitually lacks self-control as to the use of alcoholic beverages, or uses alcoholic beverages to the extent that his health is substantially impaired or endangered or his social or economic function is substantially disrupted)) suffers from the disease of alcoholism, characterized by a physiological dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological and/or psychological withdrawal if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(2) 'Drug addict' means a person who uses drugs other than alcohol in a chronic, compulsive, or uncontrollable manner, to the extent that it is seriously interfering with the individual's health, economic, or social functioning. Drug addiction is characterized by a compulsive desire for one or more drugs, loss of control when exposed to one or more drugs, and continued use in spite of adverse consequences;

(3) 'Approved treatment facility' means a treatment agency operating under the direction and control of the department of social and health services or providing treatment under this chapter through a contract with the department under RCW 70.96A.080(6) and meeting the standards prescribed in RCW 70.96A.090(1) and approved under RCW 70.96A.090(3) or meeting the standards prescribed in and approved under RCW 69.54.030;

~~((3))~~ (4) 'Secretary' means the secretary of the department of social and health services;

~~((4))~~ (5) 'Department' means the department of social and health services;

~~((5))~~ 'Director' means the director of the division of alcoholism;)

(6) 'Emergency service patrol' means a patrol established under RCW 70.96A.170;

(7) 'Incapacitated by alcohol or other drugs' means that a person, as a result of the use of alcohol or other drugs, has his or her judgment so impaired that he or she is incapable of realizing and making a rational decision with respect to ~~((his))~~ the need for treatment or care and constitutes a danger to himself or herself, to any other person, or to property;

(8) 'Gravely disabled by alcohol or other drugs' means that a person, as a result of the use of alcohol or other drugs: (a) is in danger of serious physical harm resulting from a failure to

provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over his or her actions and is not receiving care as essential for his or her health or safety;

(9) 'Incompetent person' means a person who has been adjudged incompetent by the superior court;

~~((9))~~ (10) 'Intoxicated person' means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other drugs;

~~((10))~~ (11) 'Treatment' means the broad range of emergency, outpatient, intermediate, and inpatient and emergency services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics, drug addicts, persons incapacitated by alcohol or other drugs, and intoxicated persons;

(12) 'Peace officer' means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(13) 'Licensed physician' means a person licensed to practice medicine or osteopathy in the state of Washington.

Sec. 305, Section 12, chapter 122, Laws of 1972 ex. sess. as last amended by section 13, chapter 439, Laws of 1987 and RCW 70.96A.120 are each amended to read as follows:

(1) An intoxicated person may come voluntarily to an approved treatment facility for treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he or she consents to the proffered help, may be assisted to his or her home, an approved treatment facility or other health facility.

(2) Except for a person who may be apprehended for possible violation of laws not relating to alcoholism, drug addiction, or intoxication and except for a person who may be apprehended for possible violation of laws relating to driving or being in physical control of a vehicle while intoxicated and except for a person who may wish to avail himself or herself of the provisions of RCW 46.20.308, a person who appears to be incapacitated or gravely disabled by alcohol or other drugs and who is in a public place or who has threatened, attempted, or inflicted physical harm on himself, herself, or another, shall be taken into protective custody by ~~((the police or the emergency service patrol))~~ a peace officer or staff designated by the county and as soon as practicable, but in no event beyond eight hours brought to an approved treatment facility for treatment. If no approved treatment facility is readily available he or she shall be taken to an emergency medical service customarily used for incapacitated persons. The ~~((police or the emergency service patrol))~~ peace officer or staff designated by the county, in detaining the person and in taking him or her to an approved treatment facility, is taking him or her into protective custody and shall make every reasonable effort to protect his or her health and safety. In taking the person into protective custody, the detaining peace officer or ((member of an emergency patrol) staff designated by the county may take reasonable steps including reasonable force if necessary to protect himself or herself or effect the custody. A taking into protective custody under this section is not an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(3) A person who comes voluntarily or is brought to an approved treatment facility shall be examined by a qualified person. He or she may then be admitted as a patient or referred to another health facility, which provides emergency medical treatment, where it appears that such treatment may be necessary. The referring approved treatment facility shall arrange for his or her transportation.

(4) A person who is found to be incapacitated or gravely disabled by alcohol or other drugs at the time of his or her admission or to have become incapacitated or gravely disabled at any time after his or her admission, may not be detained at the facility for more than seventy-two hours after admission as a patient, unless a petition is filed under RCW 70.96A.140, as now or hereafter amended: PROVIDED, That the treatment personnel at ~~((the))~~ an approved treatment facility are authorized to use such reasonable physical restraint as may be necessary to retain an incapacitated or gravely disabled person ((incapacitated by alcohol at such facility)) for up to seventy-two hours from the time of admission. The seventy-two hour periods specified in this section shall be computed by excluding Saturdays, Sundays, and holidays. A person may consent to remain in the facility as long as the physician in charge believes appropriate.

(5) A person who is not admitted to an approved treatment facility, is not referred to another health facility, and has no funds, may be taken to his or her home, if any. If he or she has no home, the approved treatment facility shall ~~((assist))~~ provide him or her ((in-obtaining shelter)) with information and assistance to access available community shelter resources.

(6) If a patient is admitted to an approved treatment facility, his or her family or next of kin shall be notified as promptly as possible by the treatment facility. If an adult patient who is not incapacitated requests that there be no notification, his or her request shall be respected.

(7) The ~~((police, members of the emergency service))~~ peace officer, staff designated by the county, or treatment facility personnel, who ~~((in good faith))~~ act in compliance with this chapter and are performing in the course of their official duty ~~((and))~~ are not criminally or civilly liable therefor.

(8) If the person in charge of the approved treatment facility determines it is for the patient's benefit, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment.

Sec. 306. Section 14, chapter 122, Laws of 1972 ex. sess. as last amended by section 14, chapter 439, Laws of 1987 and RCW 70.96A.140 are each amended to read as follows:

(1) When the person in charge of a treatment facility, or his or her designee, receives information alleging that a person is incapacitated as a result of alcoholism, the person in charge, or his or her designee, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court or district court. If the person in charge, or his or her designee, finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to an evaluation and treatment facility as defined in RCW 71.05.020. If placement in an alcohol treatment facility is deemed appropriate, the petition shall allege that: The person is an alcoholic who is incapacitated by alcohol, or that the person has twice before in the preceding twelve months been admitted for ~~((the voluntary))~~ detoxification or treatment for alcoholism pursuant to RCW 70.96A.110 and is in need of a more sustained treatment program, or that the person is an alcoholic who has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within ~~((two))~~ five days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning facility or the department is ~~((not))~~ eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than ~~((three))~~ two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained ~~((by the))~~ in a facility, pursuant to RCW 70.96A.120 or 71.05.210, as now or hereafter amended, in which case the hearing shall be held within seventy-two hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served by the treatment facility on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony, which may be telephonic, of at least one licensed physician who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person is an alcoholic must be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, he or she shall be given an opportunity to be examined by a court appointed licensed physician. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear, cogent, and convincing proof, it shall make an order of commitment to an approved treatment facility. It shall not order commitment of a person unless it determines that an approved treatment facility is able to provide adequate and appropriate treatment for him or her ~~((and the treatment is likely to be beneficial))~~.

(5) A person committed under this section shall remain in the facility for treatment for a period of ~~((thirty))~~ sixty days unless sooner discharged. At the end of the ~~((thirty))~~ sixty-day period, he or she shall be discharged automatically unless the facility, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged. If a person has been committed because he or she is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists.

~~(6) ((A person recommitted under subsection (5) of this section who has not been discharged by the facility before the end of the ninety day period shall be discharged at the expiration of that period unless the facility, before expiration of the period, obtains a court order on the grounds set forth in subsection (1) of this section for recommitment for a further period not to exceed ninety days. If a person has been committed because he or she is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists. Only two recommitment orders under subsections (5) and (6) of this section are permitted.~~

~~((7))~~ Upon the filing of a petition for recommitment under subsection ~~((s))~~ (5) ~~((or (6)))~~ of this section, the court shall fix a date for hearing no less than ~~((three))~~ two and no more than seven days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment facility on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.

~~((8))~~ (7) The approved treatment facility shall provide for adequate and appropriate treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment facility to another if transfer is medically advisable.

~~((9))~~ (8) A person committed to the custody of a facility for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of an alcoholic committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, ~~((that he or she is no longer an alcoholic or))~~ the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of an alcoholic committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

~~((10))~~ (9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

~~((11))~~ (10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

~~((12))~~ (11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the facility providing involuntary treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the facility designated to provide the less restrictive treatment is other than the facility providing the initial involuntary treatment, the facility so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated

county alcoholism specialist, and the court of original commitment. The facility designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the facility providing less restrictive care and the designated county alcoholism specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated county alcoholism specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated alcoholism specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive facility. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

NEW SECTION. Sec. 307. A new section is added to chapter 70.96A RCW to read as follows:

In any judicial proceeding for involuntary commitment or detention under this chapter, or in any proceeding challenging such commitment or detention, the prosecuting attorney for the county in which the proceeding was initiated shall represent the individuals or agencies petitioning for commitment or detention and shall defend all challenges to such commitment or detention.

SUBPART B

PREVENTION AND EARLY INTERVENTION IN SCHOOLS

Sec. 308. Section 205, chapter 518, Laws of 1987 and RCW 28A.120.030 are each amended to read as follows:

(1) The citizens of the state of Washington recognize the serious impact of alcohol and drug abuse on a student's self-concept and on the ability of students to learn. Therefore, the substance abuse awareness program is established: ((+)) (a) To aid students in the development of skills that will assist them in making informed decisions concerning the use of drugs and alcohol; ((#)) (b) to contribute to the development and support of a drug-free educational environment; and ((#)) (c) to help school districts in the development of comprehensive drug and alcohol policies leading to the implementation of drug and alcohol programs that contain prevention, intervention, and aftercare components.

(2) New and existing substance abuse awareness programs funded pursuant to RCW 28A.120.030 through 28A.120.050 do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

Sec. 309. Section 206, chapter 518, Laws of 1987 and RCW 28A.120.032 are each amended to read as follows:

(1) The superintendent of public instruction shall adopt rules to implement this section and RCW 28A.120.034 through 28A.120.050 and shall distribute moneys appropriated for the purposes of RCW 28A.120.034 through 28A.120.050 to school districts ((on a grant basis, from moneys appropriated for the purposes of this section and RCW 28A.120.034 through 28A.120.050, funds)) in accordance with the state funding formula set forth in the appropriations act for the development and implementation of educational and disciplinary policies leading to the implementation of prevention, intervention, and aftercare activities regarding the use and abuse of drugs and alcohol. The rules shall include selection criteria developed in consultation with the substance abuse advisory committee established under RCW 28A.120.038 and may include factors such as the number of students from low-income families, truancy rates, juvenile justice referrals, social services caseloads, and participation of community groups and law enforcement agencies in drug and alcohol abuse prevention and intervention activities.

(2) The following program areas may be funded through moneys made available for this section and RCW 28A.120.034 through 28A.120.050, including but not limited to:

((+)) (a) Comprehensive program development within the district's comprehensive health education program;

((#)) (b) Prevention programs;

((#)) (c) Elementary identification and intervention programs;

((#)) (d) Secondary identification and intervention programs;

((#)) (e) School drug and alcohol core team development and training;

((#)) (f) Development of counseling, referral, and preassessment procedures;

((#)) (g) Aftercare;

((#)) (h) Drug and alcohol specialist;

((#)) (i) Staff, parent, student, and community training; ((and

(+)) (j) Development and supervision of student mentor programs; and

(k) Coordination with law enforcement, which may include programs substantially similar to the drug abuse resistance education program (D.A.R.E.), community service providers, other school districts, educational service districts, and drug and alcohol treatment facilities.

(3) For the purpose of subsection (2)(h) of this section 'drug and alcohol specialist' means an educational staff associate employed by a school district who holds certification as a school counselor, school psychologist, school nurse, or school social worker under state board of education rules adopted pursuant to RCW 28A.04.120.

'Drug and alcohol specialist' may mean a drug treatment counselor or social worker on the staff of a drug treatment center certified by the bureau of alcohol and substance abuse within the department of social and health services who may be employed under contract between a school district and the drug treatment center.

Sec. 310. Section 207, chapter 518, Laws of 1987 and RCW 28A.120.034 are each amended to read as follows:

(1) School districts interested in implementing a substance abuse awareness program shall have on file an application for state or federal funds, or both, with the superintendent of public instruction. The application shall include the following:

(a) A letter of commitment from the board of directors to adopt a comprehensive written policy on drugs and alcohol, and a proposed substance ~~((awareness))~~ abuse awareness program and implementation plan, within six months of receipt of state funding. The ~~((comprehensive policy and program))~~ implementation plan shall address the issues of prevention, intervention, aftercare, and disciplinary policies, and shall emphasize cooperation and coordination of services among public and private agencies, including law enforcement agencies. If the district's board of directors has already adopted a comprehensive policy and plan, the district shall submit a copy of the comprehensive policy and plan;

(b) A letter of commitment from the board of directors to appoint a school and community substance abuse advisory committee if such a committee has not been established. The advisory committee shall include but is not limited to representatives of ~~((at least the following))~~: The school district instructional and administrative staff, students, parents, ~~((state and))~~ local ~~((government))~~ law enforcement personnel, and the county coordinator of alcohol and drug treatment~~((:))~~ or his or her designee, or a representative of other treatment service providers. If the district has already established an advisory committee but its membership does not include members representing any of the groups identified in this subsection, the board of directors shall appoint an additional member or members, if necessary, accordingly.

The advisory committee shall work to help coordinate school district programs and services with programs and services available within the community and thereby contribute toward the development of a continuum of prevention, intervention, and ~~((after care))~~ after-care services within the total community and to avoid the duplication of services; and

(c) A copy of the district's assessment of the scope of the problem of drug and alcohol abuse within the district, as such use and abuse by individuals affects the learning environment in each school.

(2) The district shall demonstrate its plan to provide local matching funds of an amount equal to at least twenty percent of the state funds that the district is eligible to receive. Matching funds may be funds received from federal programs, other funds available to the district, or in-kind contributions: PROVIDED, That in-kind contributions shall be not more than one-half of the minimum matching funds required.

(3) The district shall provide an outline of procedures for evaluating the effectiveness of the district's substance abuse awareness program.

(4) Each school district receiving funding pursuant to RCW 28A.120.030 through 28A.120.050 shall submit biennially to the superintendent of public instruction a written report on the results of the district's substance abuse awareness program.

(5) Joint applications and programs may be undertaken by school districts. Districts which elect to participate in a joint program may file a joint application and establish a joint school and community substance abuse advisory committee.

NEW SECTION. Sec. 311. A new section is added to chapter 28A.120 RCW to read as follows:

(1) School districts are encouraged to promote parent and community involvement in substance abuse awareness programs, through parent visits under RCW 28A.58.053 and through any school involvement program established by the district under RCW 28A.58.640 through 28A.58.648.

(2) Districts are further encouraged to review substance abuse awareness programs as part of the self-study procedures required under RCW 28A.58.085 and as part of any annual goal-setting process the district may have established under RCW 28A.58.094.

SUBPART C

DRUG AND ALCOHOL TREATMENT SERVICES

Sec. 312. Section 1, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 31, chapter 75, Laws of 1987 and by section 9, chapter 406, Laws of 1987 and RCW 74.04.005 are each reenacted and amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) 'Public assistance' or 'assistance'—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) 'Department'—The department of social and health services.

(3) 'County or local office'—The administrative office for one or more counties or designated service areas.

(4) 'Director' or 'secretary' means the secretary of social and health services.

(5) 'Federal-aid assistance'—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6) (a) 'General assistance'—Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance;

(ii) Are either:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program: PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; or

(B) Incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of sixty days as determined by the department. Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance (~~Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity;~~) and shall be ((referred to) advised as to appropriate assessment, treatment, ((shelter, or supplemental security income referral)) or program services ((as authorized)) that may be available to them under chapters ((74-50)) 69.54, 70.96, and 70.96A RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for ((services)) treatment under chapters ((74-50)) 69.54, 70.96, and 70.96A RCW. This subsection (6)(a)(ii)(B) shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program;

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(e) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(f) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(7) 'Applicant'—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) 'Recipient'—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) 'Standards of assistance'—The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) 'Resource'—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance may retain the following described resources in addition to exemption for a motor vehicle or home and not be ineligible for public assistance because of such resources:

(i) Household furnishings, personal effects, and other personal property having great sentimental value to the applicant or recipient;

(ii) Term and burial insurance for use of the applicant or recipient;

(iii) Life insurance having a cash surrender value not exceeding one thousand five hundred dollars; and

(iv) Cash, marketable securities, and any excess of values above one thousand five hundred dollars equity in a vehicle and above one thousand five hundred dollars in cash surrender value of life insurance, not exceeding one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit of two or more. The one thousand dollar limit in subsection (10)(d) of this section does not apply to recipients of or applicants for general assistance.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property, but the recipient must sign an agreement to dispose of the property and repay assistance payments made to the date of disposition of the property which would not have been made had the disposal occurred at the beginning of the period for which the payments of such assistance were made. In no event shall such amount due the state exceed the net proceeds otherwise available to the recipient from the disposition, unless after nine months from the date of the agreement the property has not been sold, or if the recipient's eligibility for financial assistance ceases for any other reason. In these two instances the entire amount of assistance

paid during this period will be treated as an overpayment and a debt due the state, and may be recovered pursuant to RCW 43.20B.630.

(11) 'Income'—(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance: PROVIDED, That the department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance: PROVIDED FURTHER, That in determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements: PROVIDED FURTHER, The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) 'Need'—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

NEW SECTION, Sec. 313. A new section is added to chapter 69.54 RCW to read as follows:

(1) The department shall provide client assessment and treatment services within available funds. Where such treatment includes either residential care or a living stipend, the assessment service shall include a diagnostic evaluation for the purpose of determining who is eligible and what treatment is appropriate. The department shall establish rules of eligibility for the financially limited number of slots in both the residential care program and the outpatient treatment program accompanied by a living stipend. The rules shall set forth income and resource limits to assure that treatment priority is given to persons who are indigent or of low income. The department may require an applicant to complete a residential evaluation for the purpose of clarifying individualized treatment needs when the department is not capable of making an accurate assessment of that individual's needs within the ordinary assessment process.

(2) If the department determines that a woman who is pregnant or parenting an infant is eligible for treatment, that woman shall be given immediate priority for available treatment. In addition, the department shall coordinate to provide case management and support to these women to the extent that these services are available.

(3) The department shall assist clients in making application for supplemental security benefits and in obtaining the necessary documentation required by the federal social security administration for such benefits.

NEW SECTION, Sec. 314. A new section is added to chapter 69.54 RCW to read as follows:

(1) The department shall provide drug treatment services within available funding for persons suffering problems related to narcotic and other dangerous drugs. The treatment services may include, but are not limited to:

(a) Intensive inpatient treatment services;

(b) Recovery house treatment;

(c) Outpatient treatment and counseling, including assistance in obtaining employment, and including a living allowance while undergoing outpatient treatment. The living allowance may not be used to provide shelter to clients in a dormitory setting that does not require sobriety as a condition of residence. The living allowance shall be administered on the clients' behalf by the outpatient treatment facility or other social service agency designated by the department. The department is authorized to pay the facility a fee for administering this allowance.

(2) With the exception of those treatment services funded through alcohol and drug grants to counties and congregate care facility residential moneys, no individual may receive a

combination of inpatient or outpatient treatment services for a total of more than six months in any two-year period. The department may approve an additional treatment or living allowance in an exceptional case.

(3) The department may require an applicant or recipient selecting treatment to complete inpatient and recovery house treatment when, in the judgment of a designated assessment center, such treatment is necessary prior to providing the outpatient program.

Sec. 315. Section 8, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.080 are each amended to read as follows:

(1) The department shall establish by all appropriate means, including contracting for services, a comprehensive and coordinated program for the treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons.

(2) The program shall include, but not necessarily be limited to:

(a) Emergency treatment provided by a facility affiliated with or part of the medical service of a general hospital or licensed medical institution:

(b) Intensive inpatient treatment services;

(c) ~~(Intermediate)~~ Recovery house treatment; and

(d) Outpatient ~~(and follow-up)~~ treatment and counseling, including assistance in obtaining employment, and including a living allowance while undergoing outpatient treatment. The living allowance may not be used to provide shelter to clients in a dormitory setting that does not require sobriety as a condition of residence. The living allowance shall be administered on the clients' behalf by the outpatient treatment facility or other social service agency designated by the department. The department is authorized to pay the facility a fee for administering this allowance.

(3) With the exception of those treatment services funded through alcohol and drug grants to counties and congregate care facility residential moneys, no individual may receive a combination of inpatient or outpatient treatment services for a total of more than six months in any two-year period. The department may approve additional treatment or living allowance in an exceptional case.

(4) The department may require an applicant or recipient selecting treatment to complete inpatient and recovery house treatment when, in the judgment of a designated assessment center, such treatment is necessary prior to providing the outpatient program.

~~((4))~~ (5) The department shall provide for adequate and appropriate treatment for alcoholics, persons incapacitated by alcohol, and intoxicated persons admitted under RCW 70.96A.110 through 70.96A.140. Treatment may not be provided at a jail or prison except for inmates.

~~((4))~~ (6) All appropriate public and private resources shall be coordinated with and utilized in the program if possible.

~~((5))~~ (7) The department shall prepare, publish, and distribute annually a list of all approved public and private treatment facilities.

~~((6))~~ (8) The department may contract for the use of any facility as an approved public treatment facility if the secretary, subject to the policies of the department, considers this to be an effective and economical course to follow.

NEW SECTION. Sec. 316. A new section is added to chapter 70.96A RCW to read as follows:

(1) The department shall provide client assessment and treatment within available funds. Where such treatment includes either residential care or a living stipend, the assessment service shall include a diagnostic evaluation for the purpose of determining who is eligible and what treatment is appropriate. The department shall establish rules of eligibility for the financially limited number of slots in both the residential care program and the outpatient treatment program accompanied by a living stipend. The rules shall set forth income and resource limits to assure that treatment priority is given to persons who are indigent or of low income. The department may require an applicant to complete a residential evaluation for the purposes of clarifying individualized treatment needs when the department is not capable of making an accurate assessment of that individual's needs within the ordinary assessment process.

(2) If the department determines that a woman who is pregnant or parenting an infant is eligible for treatment, that woman shall be given immediate priority for available treatment. In addition, the department shall coordinate to provide case management and support to these women to the extent that these services are available.

(3) The department shall assist clients in making application for supplemental security benefits and in obtaining the necessary documentation required by the federal social security administration for such benefits.

NEW SECTION. Sec. 317. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 406, Laws of 1987, section 1, chapter 163, Laws of 1988 and RCW 74.50.010;

(2) Section 3, chapter 406, Laws of 1987 and RCW 74.50.020;

(3) Section 5, chapter 406, Laws of 1987 and RCW 74.50.040;

(4) Section 6, chapter 406, Laws of 1987, section 3, chapter 163, Laws of 1988 and RCW 74.50.050;

(5) Section 7, chapter 406, Laws of 1987, section 4, chapter 163, Laws of 1988 and RCW 74.50.060;

(6) Section 8, chapter 406, Laws of 1987 and RCW 74.50.070;

(7) Section 1, chapter 406, Laws of 1987 and RCW 74.50.900;

(8) Section 2, chapter 3, Laws of 1989 (SHB 1599) and RCW 74.50.____; and

(9) Section 3, chapter 3, Laws of 1989 (SHB 1599) and RCW 74.08.____.

SUBPART D

COMMUNITY MOBILIZATION

NEW SECTION. Sec. 318. The legislature recognizes that state-wide efforts aimed at reducing the incidence of substance abuse must be increased. The legislature further recognizes that the most effective strategy for reducing the impact of alcohol and other drug abuse is through the collaborative efforts of educators, law enforcement, local government officials, local treatment providers, and concerned community and citizens' groups.

The legislature intends to support the development and activities of community mobilization strategies against substance abuse through the following efforts:

(1) Provide funding support for prevention, treatment, and enforcement activities identified by communities that have brought together education, treatment, local government, law enforcement, and other key elements of the community;

(2) Provide technical assistance and support to help communities develop and carry out effective activities; and

(3) Provide communities with opportunities to share suggestions for state program operations and budget priorities.

NEW SECTION. Sec. 319. There is established in the office of the governor a grant program to provide incentive for and support for communities to develop targeted and coordinated strategies to reduce the incidence and impact of substance abuse.

Activities which may be funded through this grant program include those which:

(1) Prevent substance abuse through educational and self-esteem efforts, development of positive alternatives, intervention with high-risk groups, and other prevention strategies;

(2) Support effective treatment by increasing access to and availability of treatment opportunities, particularly for underserved or highly impacted populations, developing after-care and support mechanisms, and other strategies to increase the availability and effectiveness of treatment;

(3) Provide meaningful consequences for participation in illegal activity and promote safe and healthy communities through support of law enforcement strategies;

(4) Create or build on efforts by existing community programs, coordinate their efforts, and develop cooperative efforts or other initiatives to make most effective use of resources to carry out the community's strategy against substance abuse; and

(5) Other activities which demonstrate both feasibility and a rationale for how the activity will achieve measurable results in the strategy against substance abuse.

NEW SECTION. Sec. 320. Applications for funding under this chapter must:

(1) Demonstrate that the community has developed and is committed to carrying out a coordinated strategy of prevention, treatment, and law enforcement activities; and

(2) Contain evidence of active participation of the community and specific commitments to implementing the community-wide agenda by leadership from at least education, law enforcement, local government, tribal government, and treatment entities in the community, and the opportunity for meaningful involvement from others such as neighborhood and citizen groups, businesses, human service, health and job training organizations, and other key elements of the community, particularly those whose responsibilities in law enforcement, treatment, prevention, or other community efforts provide direct, ongoing contact with substance abusers.

NEW SECTION. Sec. 321. This grant program will be available to communities of any geographic size but will encourage and reward communities which develop coordinated or complementary strategies within geographic areas such as county areas or groups of county areas which correspond to units of government with significant responsibilities in the area of substance abuse, existing coalitions, or other entities important to the success of a community's strategy against substance abuse.

NEW SECTION. Sec. 322. At a minimum, grant applications must include the following:

(1) Definition of geographic area;

(2) A description of the extent and impact of substance abuse in the community, including an explanation of those who are most severely impacted and those most at risk of substance abuse;

(3) An explanation of the community-wide strategy for prevention, treatment, and law enforcement activities related to substance abuse with particular attention to those who are most severely impacted and those most at risk of substance abuse;

(4) Explanation of who was involved in development of the strategy and what specific commitments have been made to carrying it out;

(5) Identification of existing prevention, treatment, and law enforcement resources committed by the community, including financial and other support, and an explanation of how the

community's strategy involves and builds on the efforts of existing organizations or coalitions that have been carrying out community efforts against substance abuse:

(6) Identification of activities that address specific objectives in the strategy for which additional resources are needed;

(7) Identification of additional local resources, including public or private funds, donated goods or services, and other measurable commitments, that have been committed to the activities identified in subsection (6) of this section;

(8) Identification of activities which address specific objectives in the strategy for which funding is requested. Activities should be presented in priority order;

(9) Each activity for which funding is requested must be explained in sufficient detail to demonstrate:

(a) Feasibility through deliberative design, specific objectives, and realistic plan for implementation;

(b) A rationale for how this activity will achieve measurable results and how it will be evaluated;

(c) That funds requested are necessary and appropriate to effectively carry out the activity; and

(10) Identification of a fiscal agent meeting state requirements for each activity proposed for funding.

NEW SECTION. Sec. 323. The governor shall make awards, subject to funds appropriated by the legislature, under the following terms:

(1) In order to be eligible for consideration, applications must demonstrate, at a minimum:

(a) That proposals submitted for funding are based on and address specific objectives contained in a coordinated strategy of prevention, treatment, and law enforcement against substance abuse;

(b) Evidence of active participation in preparation of the proposal and specific commitments to implementing the community-wide agenda by leadership from at least education, law enforcement, local government, tribal government, and treatment entities in the community, and the opportunity for meaningful involvement from others such as neighborhood and citizen groups, businesses, human service, health and job training organizations, and other key elements of the community, particularly those whose responsibilities in law enforcement, treatment, prevention, or other community efforts provide direct, ongoing contact with substance abusers, or those at risk for substance abuse;

(c) That they have met the requirements listed in section 322 of this act; and

(d) Evidence of additional local resources committed to its strategy totaling at least twenty-five percent of funds awarded under this section. These resources may consist of public or private funds, donated goods or services, and other measurable commitments, including in-kind contributions such as volunteer services, materials, supplies, physical facilities or a combination thereof.

(2) In order to encourage and reward communities which develop coordinated or complementary strategies within geographic areas which correspond to units of government with significant responsibilities in the area of substance abuse, up to fifty percent of funds appropriated for the purposes of this chapter may be awarded on a per capita basis to eligible applications reflecting coordinated strategy from a county area or group of county areas. The governor may establish minimum allotments per eligible county areas up to fifteen thousand dollars; and

(3) No less than fifty percent of funds appropriated under this chapter shall be awarded on a competitive basis for activities by communities not participating in a county-wide strategy and activities identified by county-wide strategies but not funded through per capita grants. Eligible applications will be assessed and compared by a peer review committee whose members have experience in prevention, treatment, law enforcement, and other community efforts against substance abuse using the following criteria:

(a) The extent and impact of substance abuse;

(b) The extent to which key elements of the community are involved in and committed to the coordinated strategy;

(c) The extent of commitments of local resources to the coordinated strategy;

(d) The extent to which any activities in a community's strategy offer an innovative approach to a chronic, wide-spread problem.

The peer review committee will advise the governor on the extent to which each eligible applicant has met these criteria. The governor will distribute available funds based on this information.

(4) The governor shall distribute fifty percent of the initial appropriation for the purposes of this chapter no later than October 1, 1989, and the remainder no later than July 1, 1990.

(5) Activities funded under this section may be considered for funding in future years, but will be considered under the same terms and criteria of new activities. Funding under this section shall not constitute an obligation by the state of Washington to provide ongoing funding.

NEW SECTION. Sec. 324. The governor shall ask communities for suggestions on state practices, policies, and priorities that would help communities implement their strategies against

substance abuse. The governor or appropriate agency officials shall review and respond to those suggestions making necessary changes where feasible, making recommendations to the legislature where appropriate, and providing an explanation as to why suggested changes cannot be accomplished, if the suggestions cannot be acted upon.

NEW SECTION. Sec. 325. The governor may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this act and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

NEW SECTION. Sec. 326. Sections 318 through 325 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 327. The governor shall report to the legislature by January 1, 1991, regarding the operations of the grant program authorized in section 319 of this act. At a minimum, the report shall include the following:

- (1) Number of grants awarded and the amount of each grant;
- (2) Recipients of grants, including the communities in which they are based;
- (3) Purposes for which the grants were awarded;
- (4) Success of the projects in achieving their stated goals and objectives;
- (5) An assessment of the effect that the activities of this act had on encouraging and supporting coordinated community action against substance abuse;
- (6) Recommendations for further funding by the state; and
- (7) Recommendations regarding future operations of the program, including criteria for awarding grants.

PART IV APPROPRIATIONS

NEW SECTION. Sec. 401. DRUG ENFORCEMENT AND EDUCATION ACCOUNT. The drug enforcement and education account is created in the state treasury. All designated receipts from RCW 69.50.505 and section 510 of this act shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under this act.

NEW SECTION. Sec. 402. CRIMES AND PENALTIES. The sum of twenty-one million three hundred five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections. Of this amount, eight million eight hundred thousand dollars is for operational costs associated with the additional prison population due to the new crimes and increased penalties established by sections 101 through 112 of this act. The remaining twelve million five hundred five thousand dollars is for the purpose of renovating or constructing additional facilities needed as a result of the new crimes and penalties.

NEW SECTION. Sec. 403. JUVENILE JUSTICE BOOT CAMP PILOT PROJECT. The sum of one million eight hundred sixty thousand dollars, or as much thereof as may be necessary, is appropriated from the drug enforcement and education account to the department of social and health services for the biennium ending June 30, 1991, for the juvenile justice boot camp pilot project.

NEW SECTION. Sec. 404. MONITORING INMATE TELEPHONE CALLS. The sum of one hundred seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections for the purpose of monitoring inmate telephone calls within state correctional facilities.

NEW SECTION. Sec. 405. SPECIAL NARCOTICS ENFORCEMENT UNIT. The sum of nine hundred forty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the Washington state patrol to be used solely for purposes of establishing the special narcotics enforcement unit within the state patrol drug control assistance unit.

NEW SECTION. Sec. 406. STATE-WIDE DRUG PROSECUTION ASSISTANCE UNIT. The sum of five hundred sixty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of community development for the state-wide drug prosecution assistance unit.

NEW SECTION. Sec. 407. INVOLUNTARY TREATMENT. The sum of four million nine hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services for the purposes of sections 301 through 306 of this act.

NEW SECTION. Sec. 408. PREVENTION AND EARLY INTERVENTION IN SCHOOLS. The sum of ten million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the superintendent of public instruction to support school district substance abuse awareness programs provided under sections 308 through 310 of this act.

It is the intent of the legislature that one-time grants provided to school districts from appropriations under this section do not meet the criteria for levy reduction funds under RCW 84.52.0531 and shall not be deemed to be levy reduction funds.

NEW SECTION, Sec. 409. DRUG AND ALCOHOL TREATMENT SERVICES. The sum of three million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services to enhance the services provided under sections 313 through 316 of this act. The department shall seek federal matching funds for these services to the extent such funds are available.

NEW SECTION, Sec. 410. COMMUNITY MOBILIZATION. The sum of three million six hundred forty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of community development for the purposes of funding community mobilization strategies. Of this amount, forty thousand dollars is to provide technical assistance to communities in meeting the conditions of grant applications.

NEW SECTION, Sec. 411. SECURITY IN SCHOOLS. The sum of three million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the superintendent of public instruction for matching grants to enhance security in secondary schools. School districts which apply for such grants shall ensure that no more than seventy-five percent of the district's total expenditures for school security in any school year are supported by the grant amounts. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount appropriated in this section, a minimum of two million seven hundred fifty thousand dollars is provided for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours.

It is the intent of the legislature that one-time grants provided to school districts from appropriations under this section do not meet the criteria for levy reduction funds under RCW 84.52.0531 and shall not be deemed to be levy reduction funds.

NEW SECTION, Sec. 412. CRIME LAB ENHANCEMENT. The sum of eight hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the Washington state patrol to be used solely for purposes of enhancing and expediting identification and analysis in drug cases.

NEW SECTION, Sec. 413. PRENATAL CASE MANAGEMENT AND SUPPORT SERVICES. The sum of fifteen million three hundred forty thousand dollars, or as much thereof as may be necessary, of which eight million one hundred sixty thousand dollars shall be from federal funds, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services for the purposes of establishing a maternity care case management and support service system that shall assist only high-risk eligible persons with obtaining medical assistance benefits and receiving maternity care services, including transportation and child care services. State funds may be expended under this section only to the extent that the federal matching moneys are received.

'High-risk eligible person,' as used in this section, means an eligible person determined by the department to need special assistance in applying for and obtaining maternity care, including, in the following order of priority, pregnant women who are drug or alcohol addicted or affected, pregnant and parenting adolescents, pregnant minority women who live in poverty, pregnant homeless women, and other eligible persons who need special assistance in gaining access to the maternity care system.

'Support services,' as used in this section, should include a nursing assessment and follow-up, health and childbirth education, psychological assessment and counseling, outreach services, nutritional assessment and counseling, needed vitamin and nonprescriptive drugs, transportation, and child care. Support services shall include alcohol and substance abuse treatment for pregnant women who are addicted or at risk of being addicted to alcohol or drugs.

NEW SECTION, Sec. 414. JUVENILE REHABILITATION--SUBSTANCE ABUSE. The sum of six hundred twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services to be used solely for the purposes of enhancing detection and treatment of the use of illegal drugs in the juvenile rehabilitation institutions.

NEW SECTION, Sec. 415. YOUTH ASSESSMENT AND TREATMENT. The sum of six million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of social and health services to provide inpatient youth assessment and treatment programs to serve youth and their families. At least forty percent of new inpatient treatment slots provided under this section shall be located east of the Cascade mountains. Up to fifteen of the treatment slots created under this section shall be staff-secure. Inpatient treatment programs shall incorporate appropriate outpatient and aftercare programs. In addition, within appropriated funds, the department shall develop intensive outpatient treatment services for children and youth for whom inpatient treatment is inappropriate or unavailable.

NEW SECTION. Sec. 416. ADULT CORRECTIONS--SUBSTANCE ABUSE. The sum of six hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections to develop and implement a model to deliver a continuum of care to substance-dependent offenders and to conduct increased urinalysis testing.

NEW SECTION. Sec. 417. WORK RELEASE DRUG TREATMENT. The sum of one hundred ten thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections to develop substance abuse treatment programs at the Reynolds work release facility and the eastern Washington prerelease facility.

NEW SECTION. Sec. 418. INTENSIVE DRUG SURVEILLANCE. The sum of one million one hundred twenty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections for continued funding for the community corrections drug surveillance unit in King county and to initiate similar units in Pierce and Yakima counties.

NEW SECTION. Sec. 419. CLANDESTINE DRUG LABS. The sum of seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the Washington state patrol to provide technical assistance to local governments in seizures of clandestine drug labs.

NEW SECTION. Sec. 420. NARCOTICS ENFORCEMENT. The sum of five hundred twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the Washington state patrol to support multijurisdictional drug investigations and the eastern Washington drug task force.

NEW SECTION. Sec. 421. DRUG ABUSE RESISTANCE PROGRAM. The sum of two hundred thirty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the criminal justice training commission to support the drug abuse resistance education program.

NEW SECTION. Sec. 422. DRUG INFORMATION CENTERS. (1) The sum of one hundred thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, to fund the University of Washington drug information center.

(2) The sum of one hundred thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, to fund the Washington State University drug information center.

PART V REVENUE PROVISIONS

NEW SECTION. Sec. 501. A new section is added to chapter 9.46 RCW to read as follows:

(1) There is levied a state excise tax on sales of all punch boards and pull-tabs by punch board and pull-tab operators licensed in this state. There is also levied a state tax on the operation of social card games by operators licensed in this state. The rate of the taxes shall equal three percent of the gross receipts from the activities, without any deduction for prizes paid or other expenses. The taxes shall be paid to the department of revenue and shall be deposited as provided in section 510 of this act.

(2) The taxes imposed in this section are in addition to any other tax imposed by law.

(3) Chapter 82.32 RCW, insofar as applicable, applies to the taxes imposed in this section. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the taxes imposed in this section.

Sec. 502. Section 39, chapter 4, Laws of 1987 and RCW 9.46.110 are each amended to read as follows:

The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of any gambling activity authorized by this chapter within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the same: PROVIDED, That any such tax imposed by a county alone shall not apply to any gambling activity within a city or town located therein but the tax rate established by a county, if any, shall constitute the tax rate throughout the unincorporated areas of such county: PROVIDED FURTHER, That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, which shall have a (~~fifty-cent~~) one dollar limit on a single chance thereon, shall be taxed on a basis which shall reflect only the gross receipts from such punch boards and pull-tabs; and (2) no punch board or pull-tab may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs must be on display within the immediate area of the premises wherein any such punch board or pull-tab is located and upon a winning number or symbol being drawn, such prize must be immediately removed therefrom, or such omission shall be deemed a fraud for the purposes of this chapter; and (4) when any person shall win over twenty dollars in money or merchandise from any punch board or pull-tab, every licensee hereunder shall keep a public record thereof for at least ninety days thereafter

containing such information as the commission shall deem necessary: AND PROVIDED FURTHER, That taxation of bingo and raffles shall never be in an amount greater than ten percent of the gross revenue received therefrom less the amount paid for or as prizes. Taxation of amusement games shall only be in an amount sufficient to pay the actual costs of enforcement of the provisions of this chapter by the county, city or town law enforcement agency and in no event shall such taxation exceed two percent of the gross revenue therefrom less the amount paid for as prizes: PROVIDED FURTHER, That no tax shall be imposed under the authority of this chapter on bingo, raffles or amusement games when such activities or any combination thereof are conducted by any bona fide charitable or nonprofit organization as defined in this chapter, which organization has no paid operating or management personnel and has gross income from bingo, raffles or amusement games, or any combination thereof, not exceeding five thousand dollars per year less the amount paid for as prizes. Taxation of punch boards and pull-tabs shall not exceed ~~((five))~~ three percent of gross receipts, nor shall taxation of social card games exceed ~~((twenty))~~ three percent of the gross revenue from such games.

Sec. 503. Section 11, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.113 are each amended to read as follows:

Any county, city or town which collects a tax on gambling activities authorized pursuant to RCW 9.46.110 shall use the revenue from such tax ~~((primarily))~~ for the purpose of law enforcement ~~((of the provisions of this chapter by the county, city or town law enforcement agency))~~.

NEW SECTION. Sec. 504. A new section is added to chapter 67.70 RCW to read as follows:

(1) There is levied a state excise tax on the retail sale of lottery tickets and shares in this state by licensed lottery sales agents. The rate of the tax shall equal five percent of the selling price of the tickets or shares.

(2) All revenues collected under this section shall be deposited as provided in section 510 of this act.

(3) Chapter 82.32 RCW and RCW 82.08.050, insofar as applicable, apply to the tax imposed in this section. The tax due dates, reporting periods, and return requirements applicable to chapter 82.08 RCW apply equally to the tax imposed in this section.

(4) The department of revenue shall administer this section and may adopt rules to implement this section.

Sec. 505. Section 3, chapter 158, Laws of 1935 as last amended by section 11, chapter 452, Laws of 1987 and RCW 66.24.210 are each amended to read as follows:

(1) There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. Such additional tax shall cease to be imposed on July 1, 1993. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

(4) An additional tax is imposed on all wine subject to tax under subsection (1) of this section. The additional tax is equal to two and four-tenths cents per liter. All revenues collected during any month from this additional tax shall be deposited as provided in section 510 of this 1989 act by the twenty-fifth day of the following month.

Sec. 506. Section 24, chapter 62, Laws of 1933 ex. sess. as last amended by section 11, chapter 3, Laws of 1983 2nd ex. sess. and RCW 66.24.290 are each amended to read as follows:

(1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps herein provided for need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) Until July 1, 1993, an additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to eighty-six cents per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited as provided in section 510 of this 1989 act by the twenty-fifth day of the following month.

(4) The tax imposed under this section shall not apply to 'strong beer' as defined in this title. Sec. 507. Section 82.08.150, chapter 15, Laws of 1961 as last amended by section 12, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.08.150 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to class H licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits, or strong beer in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to class H licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(4) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) Until July 1, 1993, an additional tax is imposed upon each retail sale of spirits in the original package at the rate of two and four-tenths cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees. All revenues collected during any month from this additional tax shall be deposited as provided in section 510 of this 1989 act by the twenty-fifth day of the following month.

(6) The tax imposed in RCW 82.08.020, as now or hereafter amended, shall not apply to sales of spirits or strong beer in the original package.

~~((6))~~ (7) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

~~((7))~~ (8) As used in this section, the terms, 'spirits,' 'strong beer,' and 'package' shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 508. Section 82.24.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 80, Laws of 1987 and RCW 82.24.020 are each amended to read as follows:

(1) There is levied and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette.

(2) Until July 1, 1993, an additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of one mill per cigarette. All revenues collected during any month from this additional tax shall be deposited as provided in section 510 of this 1989 act by the twenty-fifth day of the following month.

(3) Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

((3)) (4) For purposes of this chapter, 'possession' shall mean both (a) physical possession by the purchaser and (b) when cigarettes are being transported to or held for the purchaser or his designee by a person other than the purchaser, constructive possession by the purchaser or his designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

Sec. 509. Section 82.26.020, chapter 15, Laws of 1961 as last amended by section 16, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.26.020 are each amended to read as follows:

(1) From and after June 1, 1971, there is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of forty-five percent of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Until July 1, 1993, an additional tax is imposed upon the sale, use, consumption, handling, or distribution of all tobacco products subject to tax under subsection (1) of this section at the rate of three and five-tenths percent of the wholesale sales price of such tobacco products. All revenues collected during any month from this additional tax shall be deposited as provided in section 510 of this 1989 act by the twenty-fifth day of the following month.

NEW SECTION. Sec. 510. A new section is added to chapter 82.02 RCW to read as follows:

(1) The intent of this section is to terminate the dedication of tax revenues for the drug enforcement and education account, unless the legislature expressly extends the dedication by amendment of this section.

(2) All revenues collected under RCW 9.46.---(section 501 of this act), 66.24.210(4), 66.24.290(3), 67.70.---(section 504 of this act), 82.08.150(5), 82.24.020(2), and 82.26.020(3) shall be deposited in the drug enforcement and education account.

(3) The legislative budget committee shall cause to be conducted a program and fiscal review of all expenditures from the drug enforcement and education account. The review shall be completed no later than January 1, 1991. The review, and the legislature's consideration of the legislative budget committee's report after the review, shall be conducted in the manner provided in chapter 43.131 RCW.

PART VI MISCELLANEOUS

NEW SECTION. Sec. 601. A new section is added to chapter 69.50 RCW to read as follows:

The state of Washington fully occupies and preempts the entire field of setting penalties for violations of the controlled substances act. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to controlled substances that are consistent with this chapter. Such local ordinances shall have the same penalties as provided for by state law. Local laws and ordinances that are inconsistent with the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of the city, town, county, or municipality.

NEW SECTION. Sec. 602. The legislature ratifies the juvenile disposition standards commission guidelines submitted to the 1989 legislature and endorses the action to increase penalties for juvenile drug offenders.

NEW SECTION. Sec. 603. Part, subpart, and section headings and the index as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 604. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 605. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately, except sections 506 through 510 of this act shall take effect June 1, 1989."

On page 1, line 1 of the title, after "abuse," strike the remainder of the title and insert "amending RCW 9.94A.310, 69.50.401, 9A.36.050, 9A.82.100, 10.95.020, 28A.120.040, 13.40.030, 13.40.265, 46.20.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, 9.73.080, 69.50.505, 5.62.020, 18.83-.110, 70.96A.020, 70.96A.120, 70.96A.140, 28A.120.030, 28A.120.032, 28A.120.034, 70.96A.080, 9.46-.110, 9.46.113, 66.24.210, 66.24.290, 82.08.150, 82.24.020, and 82.26.020; reenacting and amending RCW 9.94A.320, 9.94A.360, 9.73.030, 5.60.060, and 74.04.005; adding a new section to chapter 9.46 RCW; adding new sections to chapter 9.73 RCW; adding a new section to chapter 9A.36 RCW; adding a new section to chapter 9A.82 RCW; adding a new chapter to Title 10 RCW; adding a new section to chapter 13.40 RCW; adding a new section to chapter 28A.120 RCW; adding new sections to chapter 36.27 RCW; adding a new chapter to Title 43 RCW; adding new

sections to chapter 66.28 RCW; adding a new section to chapter 67.70 RCW; adding new sections to chapter 69.50 RCW; adding new sections to chapter 69.54 RCW; adding new sections to chapter 70.96A RCW; adding a new section to chapter 82.02 RCW; creating new sections; repealing RCW 9.73.050, 74.50.010, 74.50.020, 74.50.040, 74.50.050, 74.50.060, 74.50.070, and 74.50.900; repealing section 2, chapter 3, Laws of 1989 (SHB 1599) and RCW 74.50.____; repealing section 3, chapter 3, Laws of 1989 (SHB 1599) and RCW 74.08.____; prescribing penalties; making appropriations; providing an expiration date; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

MOTION

Mr. Appelwick moved that the House refuse to concur in the Senate amendments to Engrossed Second Substitute House Bill No. 1793 and ask the Senate for a conference thereon.

Representatives Appelwick, Patrick and Wineberry spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Appelwick, Wineberry and Patrick as conferees on Engrossed Second Substitute House Bill No. 1793.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted "Yes" on the following bills: Substitute Senate Bill No. 5681, Engrossed Substitute Senate Bill No. 5850 as amended by the House, Engrossed Substitute Senate Bill No. 5759 as amended by the House, Engrossed Substitute Senate Bill No. 5499 as amended by the House, and Senate Bill No. 6005 as amended by the House.

SHIRLEY HANKINS, 8th District.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Heavey, the House adjourned until 9:30 a.m., Thursday, April 13, 1989.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk